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1929

STATE OF NEW JERSEY

Department of Labor

CHARLES R. BLUNT,
Commissioner

—

Compiled Labor Laws

Governing the Employment

OF

WOMEN and CHILDREN

1929

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BUREAU FOR WOMEN AND CHILDREN
ISABELLE M. SUMMERS,
Director

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FOREWORD

This compilation of the laws of the State of New Jersey, affecting women and children in industry, is aimed to supply a demand for this information in concise and concrete form.

The consecutive black-faced section numbers are for convenience for reference. The legal numbers of the sections are in parentheses.

Much credit is due Miss Mary C. McGowan, Chief Clerk in the Trenton Office, for her painstaking work in preparing the subject matter, also to Colonel Charles R. Blunt, Commissioner of Labor, for his co-operation and assistance.

ISABELLE M. SUMMERS,

Director of the Bureau for Women and Children in the Department of Labor.

LAWS GOVERNING THE EMPLOYMENT OF WOMEN AND CHILDREN IN NEW JERSEY

Department of Labor

Bureau for Women and Children

Department of Labor

I. Department Established.
II. Department Reorganized.
III. Bureau for Women and Children Created.

I. DEPARTMENT ESTABLISHED

AN ACT regulating the age, employment, safety, health and work hours of persons, employees and operatives in newspaper plants, printeries, factories, workshops, mills, commercial laundries, and all places where printing or the manufacture of goods of any kind is carried on, and in mines and quarries, and to establish a department for the enforcement thereof.—Title as amended by P. L. 1914, chapters 60 and 236.

P. L. 1904, ch. 64, approved March 24, 1904,
as amended by
P. L. 1907, ch. 257, passed June 27, 1907,
P. L. 1912, ch. 117, approved March 21, 1912.

1. Department of Labor established.

1. Department of labor established

(SEC. 45.) For the purpose of carrying into effect and enforcing the provisions of this act, there shall be and hereby is established a department to be known as the Department of Labor;

the department shall have its main office in Trenton, and shall consist of a commissioner and assistant commissioner, and eleven inspectors; the Governor shall, immediately after the passage of this act, with the advice and consent of the Senate, appoint some suitable person, who shall be a resident and citizen of this State, as head of the said department..... whose title shall be Commissioner of Labor..... It shall be the duty of the Commissioner to enforce the provisions of this act and to exercise supervision and control.....to cause inspections to be made of the factories, mills, workshops and places where the manufacture of goods of any kind is carried on,.....to prosecute violations of the provisions of this act in any district court, recorders' courts of cities and before any justice of the peace having due jurisdiction or in any other court of competent jurisdiction in this State..... (As amended by P. L. 1907, ch. 257 and P. L. 1912, ch. 117).

II. DEPARTMENT REORGANIZED

AN ACT to reorganize the Department of Labor; to provide for the execution of its powers and the performance of its duties through departmental bureaus, under the supervision and control of the Commissioner of Labor; and as incidental to such reorganization, to provide for the transfer and assignment of officials and employees in the present department, and to extend the term of office of the Commissioner of Labor.

P. L. 1916, ch. 40, passed March 14, 1916,
as amended by
P. L. 1922, ch. 252, passed March 6, 1922.

2. **Organization.**
3. **Commissioner.**
4. **Duties of commissioner.**
5. **Sections 4 and 5 repealed.**
6. **Bureau of general and structural inspection.**
7. **Bureau of general and structural inspection, duties of.**
8. **Bureau of electrical and mechanical equipment.**
9. **Bureau of electrical and mechanical equipment, duties of.**
10. **Bureau of hygiene, sanitation and mine inspection.**
11. **Bureau of hygiene, sanitation and mine inspection, duties of.**
12. **Bureau of engineers' and firemen's licenses; duties.**
13. **Bureau of industrial statistics.**
14. **Bureau of industrial statistics, duties of.**
15. **Bureau of employment.**

16. Clerical assistance.
17. Assignment to duty.
18. Reorganization.
19. Additional inspectors, advisers, etc.
20. Term of commissioner.
21. Expenses paid.

2. Oganization

(Sec. 1.) The Department of Labor shall be reorganized and hereafter composed of:

First—One Commissioner of Labor.

Second—A Bureau of General and Structural Inspection.

Third—A Bureau of Electrical and Mechanical Equipment.

Fourth—A Bureau of Hygiene, Sanitation and Mine Inspection.

Fifth—A Bureau of Engineers' and Firemen's Licenses.

Sixth—A Bureau of Industrial Statistics.

Seventh—A Bureau of Employment.

(As amended by P. L. 1922, ch. 252.)

3. Commissioner

(Sec. 2.) The Commissioner of Labor shall be a citizen and resident of this State, appointed by the Governor, by and with the advice and consent of the Senate. He shall hold his office for the term of five years and until his successor is appointed and qualified. He shall receive a salary of six thousand dollars per annum.

4. Duties of commissioner

(Sec. 3.) He shall be the executive and administrative head of the department. All powers and duties heretofore vested in and devolved upon the Commissioner of Labor or the Department of Labor shall hereafter be exercised and performed by him in person or under his personal supervision and control, through and by any bureau or representative thereof, duly authorized by the Commissioner of Labor for that purpose. When not inconsistent with the provisions of any statute, he shall assign to the various bureaus and cause to be performed through them, under his supervision and in his name, such duties as may have been or hereafter may be devolved generally upon the Department of Labor or upon the Commissioner of Labor, to the end that through the several

bureaus, each performing its assigned correlated functions, the work of the department shall be economically, efficiently and promptly performed.

5. Sections 4 and 5 repealed

(Sec. 2.) Sections four and five of the act to which this act is amendatory are hereby repealed. (As amended by P. L. 1922, ch. 252, Sec. 2.)

6. Bureau of general and structural inspection

(Sec. 6.) The Bureau of Structural Inspection shall consist of a chief inspector, who shall be a structural expert, appointed by the Commissioner of Labor and who shall be hereafter known as Deputy Commissioner of Labor, and nineteen inspectors appointed by the Commissioner of Labor, of which at least three shall be women. (As amended by P. L. 1922, ch. 252.)

7. Bureau of general and structural inspection, duties of

(Sec. 7.) The Deputy Commissioner of Labor in charge of the Bureau of General and Structural Inspection shall direct and assign, under the supervision and control of the Commissioner of Labor, the work of general and structural inspection except as hereinafter provided; supervise the work relating to plans for the alterations of old and the erection of new buildings, elevators, fire escapes, fire protection, supervise the inspection of the manufacture, storage and transportation of explosives and such additional correlated duties as the commissioner shall direct. The Deputy Commissioner of Labor in charge of the Bureau of General and Structural Inspection shall be the representative of the Commissioner of Labor, in his absence, in the administrative duties of the general office and as the Commissioner of Labor shall authorize. (As amended by P. L. 1922, ch. 252.)

8. Bureau and electrical and mechanical equipment

(Sec. 8.) The Bureau of Electrical and Mechanical Equipment shall consist of a chief inspector, who shall be appointed by the Commissioner of Labor. In addition to the chief inspector, there shall be one inspector who shall be appointed by the Commissioner of Labor. (As amended by P. L. 1922, ch. 252.)

9. Bureau of electrical and mechanical equipment, duties of

(Sec. 9.) The Bureau of Electrical and Mechanical Equipment shall, under the supervision and control of the Commissioner of Labor, perform such duties in matters relating to fire alarm installations or other electrical equipment, the installation of mechanical safeguards on machinery and other correlated duties as the commissioner shall direct. (As amended by P. L. 1922, ch. 252.)

10. Bureau of hygiene, sanitation and mine inspection

(Sec. 10.) The Bureau of Hygiene, Sanitation and Mine Inspection shall consist of a chief inspector appointed by the Commissioner of Labor, who shall be hereafter known as Deputy Commissioner of Labor, an expert investigator of occupational diseases, a mine inspector having practical knowledge and skill in the work in and operation of mines and quarries, a bakery inspector who shall be a practical baker, one inspector, who shall be a person having practical knowledge and skill as a metal polisher and buffer, and such other inspectors or employees as may be assigned to the bureau. (As amended by P. L. 1922, ch. 252.)

11. Bureau of hygiene, sanitation and mine inspection, duties of

(Sec. 11.) The Deputy Commissioner of Labor in charge of the Bureau of Hygiene, Sanitation and Mine Inspection shall perform, under the supervision and control of the Commissioner of Labor, the duties devolving upon the Department of Labor or the Commissioner of Labor, with relation to the elimination of dust, fumes and excessive heat in industrial operations; the investigation of occupational diseases and the ventilation and sanitation of factories, mills, bakeries, workshops and places where the manufacture of goods is carried on; inspection of mines, quarries, tunnels and caissons; the direction of industrial safety education and such additional correlated duties as the Commissioner of Labor shall direct. The Deputy Commissioner of Labor in charge of the Bureau of Hygiene, Sanitation and Mine Inspection shall be the personal representative of the Commissioner of Labor in the field and as authorized. (As amended by P. L. 1922, ch. 252.)

12. Bureau of engineers' and firemen's licenses, duties of

(SEC. 12.) The Bureau of Engineers' and Firemen's Licenses shall be constituted in the manner and form prescribed by and subject to all the provisions of an act entitled "An act to provide for the examination and license of engineers and firemen having charge of stationery and portable steam boilers and steam engines, and to prohibit the use of such steam boilers and steam engines unless the persons in charge thereof shall be so licensed," approved April fourteenth, one thousand nine hundred and thirteen, and the amendments thereof and supplements thereto, and shall continue to exercise and perform the powers and duties conferred and devolving upon them by the provisions of that act. This bureau shall also perform, under the supervision and control of the Commissioner of Labor, such additional correlated duties as the Commissioner shall direct.

13. Bureau of industrial statistics

(SEC. 13.) The Bureau of Industrial Statistics shall consist of a chief of the bureau, who shall be appointed by the Commissioner of Labor. The salary of the chief of the bureau shall be twenty-five hundred dollars per annum.

14. Bureau of industrial statistics, duties of

(SEC. 14.) The Bureau of Industrial Statistics shall perform, under the supervision and control of the Commissioner of Labor, the duties formerly vested in the Bureau of Labor Statistics pursuant to the provisions of an act entitled "An act to establish a Bureau of Statistics upon the subject of labor, considered in all its relations to the growth and development of State industries," approved March twenty-seventh, one thousand eight hundred and seventy-eight, and the amendments thereof and supplements thereto, which bureau is now merged with the Department of Labor, and in addition, shall publish and issue bulletins and pamphlets on matters pertaining to the work of the bureau, and perform such other duties as may be assigned to said bureau by the Commissioner of Labor.

15. Bureau of employment

(Sec. 15.) The Bureau of Employment shall be constituted as contemplated by an act of the Legislature entitled "An act to authorize the Department of Labor to establish free labor bureaus, and providing for their maintenance," approved March tenth, one thousand nine hundred and fifteen, except that the Commissioner of Labor shall appoint a chief of the bureau and fix his compensation, and appoint such additional clerks and employees as may be necessary, and fix their compensation. By the bureau thus organized, the powers and duties devolved upon the Department of Labor in and by the said act shall be exercised and performed.

16. Clerical assistance

(Sec. 16.) The Commissioner of Labor shall appoint and assign to duty such clerks and stenographers as he may consider necessary, and fix their compensation. All offices and employments, except that of the Commissioner of Labor, in the department shall be within the classified service of the State, subject to all the provisions of the Civil Service act.

17. Assignment to duty

(Sec. 17.) The Commissioner of Labor may assign or transfer stenographers or clerks from one bureau to another, or inspectors from one bureau to another, or combine the clerical force of two or more bureaus, as may be necessary or advisable, or require from one bureau assistance in the work of another bureau. The system of organization hereby created is intended to facilitate and not to retard the economical and efficient performance of the work of the department, and not to impair the control or responsibility of the commissioner over and for such work.

18. Reorganization

(Sec. 18.) Upon this act taking effect, the present Commissioner of Labor who shall continue to hold his office in accordance with the provisions of this act, shall proceed to reorganize the Department of Labor as provided by this act. All the inspectors and other employees and appointees now in the service of the department shall continue in such service. The present Commissioner

of Labor shall make all necessary appointments, assignments and transfers from the inspectors, experts, employees, clerks, and stenographers now in the employ of the department and fill any positions required to be filled after such transfer or assignments, in accordance with the provisions of the Civil Service act.

19. Additional inspectors; advisers, etc.

(SEC. 19.) The Commissioner of Labor may appoint and employ such additional inspectors, expert investigators or advisers, at such compensation and for such period as he may consider necessary. He may also appoint volunteer inspectors, to serve without compensation. All persons appointed under this section shall have the same rights and powers as the regular inspectors.

20. Term of commissioner

(SEC. 20.) The term of office of the present Commissioner of Labor is hereby extended, and he shall continue to hold and execute his office for a full term of five years from the date of issue of his present commission, and until his successor, at the end of the term of five years from the date of the present commission, shall be appointed and qualified.

21. Expenses paid

(SEC. 21.) All officers and employees or appointees in this department shall, in addition to their compensation, be reimbursed for their actual and necessary expenses incurred in the performance of their duties.

III. BUREAU FOR WOMEN AND CHILDREN CREATED

A SUPPLEMENT to an act entitled "An Act to reorganize the Department of Labor; to provide for the execution of its powers and the performance of its duties through departmental bureaus under the supervision and control of the Commissioner of Labor; and as incidental to such reorganization, to provide for the transfer and assignment of officials and employees in the present department, and to extend the term of office of the Commissioner of Labor," passed March fourteenth, one thousand nine hundred and sixteen.

P. L. 1929, chapter 158, approved April 22, 1929.

22. Bureau for women and children created.
23. Director of bureau; authority; salary.
24. Duties; investigators; duties.
25. Annual report.
26. Appropriation.

22. Bureau for women and children created

(SEC. 1.) In connection with the bureaus, created by section one of the act to which this act is a supplement, there shall be established in the Department of Labor a bureau to be known as the "Bureau for Women and Children."

23. Director of bureau; authority; salary

(SEC. 2.) The head of the Bureau for Women and Children, who shall be a woman, shall be the director of such bureau, appointed thereto by the Commissioner of Labor, and shall hold her said position pursuant to the provisions of an act entitled, "An act regulating the employment, tenure and discharge of certain officers and employees of this State, and the various counties and municipalities thereof, and provide for a civil service commission and defining its powers and duties," approved April tenth, one thousand nine hundred and eight, in the exempt class thereof. She shall receive an annual salary of four thousand dollars ($4,000), to be paid in semi-monthly installments.

24. Duties; investigators; duties

(SEC. 3.) Said bureau is authorized and empowered to make studies and investigations of special problems connected with the labor of women and children, and to create the necessary organization, and appoint an adequate number of investigators, with the consent of the Commissioner of Labor, and the director shall perform, under the supervision and control of the Commissioner of Labor, the duties devolving upon the Department of Labor or the Commissioner of Labor, with relation to the enforcement of the laws, rules and regulations governing the employment of women and children.

25. Annual report

(SEC. 4.) The director of the Bureau for Women and Children shall annually report to the Commissioner of Labor making such recommendations as may be appropriate for the betterment of working conditions, which report shall, by the Commissioner of Labor, be transmitted to the Legislature.

26. Appropriation

(SEC. 5.) For the purpose of carrying into effect the provisions of this act there is hereby appropriated the sum of twenty thousand ($20,000), or so much thereof as may be necessary.

Employment of Children

IV. Factories, Workshops, etc.
V. Mercantile Establishments.
VI. Mines.
VII. Part-Time Employment.
VIII. Messenger Service.
IX. Employment of School Children Outside of School Hours.
X. Theatricals, Mendicancy, etc.
XI. Double Compensation for Minors Illegally Employed.

IV. FACTORIES, WORKSHOPS, ETC.

AN ACT regulating the age, employment, safety, health and work-hours of persons, employees and operatives in newspaper plants, printeries, factories, workshops, mills, commercial laundries, and all places where printing or the manufacture of goods of any kind is carried on, and in mines and quarries, and to establish a department for the enforcement thereof.—Title as amended by P. L. 1914, Chapters 60 and 236.

P. L. 1904, ch. 64, approved March 24, 1904,
as amended by
P. L. 1907, ch. 257, passed June 27, 1907,
P. L. 1912, ch. 117, approved March 21, 1912,
P. L. 1914, ch. 60, approved March 26, 1914,
P. L. 1914, ch. 236, approved April 17, 1914,
P. L. 1914, ch. 252, approved April 17, 1914, effective July 4, 1914.
P. L. 1919, ch. 36, approved April 7, 1919,
P. L. 1923, ch. 80, approved March 17, 1923.

27. Minimum age for employment of children in factories etc.; penalty; proviso.
28. "Custodian" defined.
29. Age and schooling certificate required; penalty.
30. Baptismal record as evidence; proviso.
31. May demand proof of age; penalty.
32. False swearing; penalty.
33. Employment of minors at dangerous occupations prohibited; penalty; proviso.
34. Register to be kept; open to inspection; penalty.

35. Age and work hours for children, proviso; no Sunday work; penalty; when disorderly house.
36. Minimum air space; proviso.
37. Proper ventilation; penalty for not complying; prevention of unhealthful inhalations; provide fans; penalty.
38. Cleaning machinery.
39. Sufficient and separate toilet facilities.
40. Paint or limewash.
41. Abstract of law posted.
42. Obstructing officers.
43. Penalties for violations.
44. Form of legal proceedings; summons; judgment; if execution issue; discharge; fines to State Treasury.
45. Department of Labor established.

27. Minimum age for employment of children in factories, etc.; penalty; proviso

(Sec. 1.) No child under the age of fourteen years shall be employed, allowed or permitted to work in any newspaper plant, printery, factory, workshop, mill, commercial laundry or place where printing or the manufacture of goods of any kind is carried on, or in any mine or quarry. Any corporation, or the officers and agents thereof, the members of any firm, or the agents thereof, or any person, or any parent, parents or custodian of any child who shall violate any of the provisions of this section shall be liable to a penalty of fifty dollars. Any corporation, or the officers and agents thereof, the members of any firm or the agents thereof, or any person, or any parent, parents or custodian of any child who shall be guilty of a second violation of the provisions of this section shall be liable to a penalty of one hundred dollars for such offense; provided, however, that any place where a child or children are habitually employed, contrary to the provisions of this section of the act, shall be a disorderly house, and the officers or agents of any corporation, the members of any firm, or any person owning, operating and managing said business, shall be deemed to be guilty of keeping a disorderly house, and, upon conviction thereof, shall be fined, not to exceed one thousand dollars, or shall be committed to jail, not to exceed three years, or both.

(As amended by P. L. 1914, ch. 60; P. L. 1914, ch. 236; P. L. 1914, ch. 252; P. L. 1923, ch. 80.)

Constitutionality.—The child labor law is constitutional. Bryant v. Hardware Company, 76 L. 45, 69 A 23.

Construction and operation.—It is no defense, in an action to recover the penalty, to prove that, before employing a native born child under

such age, an affidavit of a parent of such child was first filed with the employer, setting forth that such chuld was above such age. To make the affidavit provided for by the statute available in justification of such employment, it must be accompanied by the certificate or certificates required by the statute; and to make out a defense, it must also be proven that correct copies of all "papers, certificates, passports, and affidavits, so filed, relating to such employment, were mailed, postage prepaid, to the department having charge of the enforcement of the said act within 24 hours after the same were filed with the person so employing such child." Bryant v. Mandel, 74 L. 305, 65 A. 867.

In enacting the Workmen's Compensation Act and declaring that every contract of hiring made subsequent to its going into effect shall be presumed to have been made with reference to the act, etc., the legislature must have had in mind contracts which were valid in law, or at least contracts which were not prohibited by statute; hence, where an infant thirteen years of age was employed in a factory in direct contravention of the provisions of this section, and was injured while so employed, the scheme of compensation provided therein nowise applies, and the common law liability of the employer to compensate the employee for injuries alleged to have been cause by the negligence of the master is not affected thereby. Hetzel, Jr., v. Wasson Piston Ring Company, 89 L. p. 201, 98 A. 306.

Cited.—Amer. Mutual Liability Insurance Co. v. Volpe, 284 Fed. p. 75.

A father who has allowed his son, under the age of fourteen to work in a factory in violation of this section, cannot recover from the employer damages resulting from injuries received by the son which arose out of the employment. Hetzel, Sr., v. Wasson Piston Ring Company, 89 L. p. 205, 98 A. 308.

Cited.—Hetzel, Jr., v. Wasson Piston Ring Company, 89 L. p. 201, 98 A. 306; Feir v. Weil and Whitehead, 92 L. p. 610, 106 A. 402.

28. "Custodian" defined

(Sec. 2.) The word custodian as used in this act shall include any person, organization or society having the legal custody of a child.

29. Age and schooling certificate required; penalty

(Sec. 3.) No corporation, firm or person owning or operating a place or places coming under the provisions of this act shall employ, allow or permit any child under the age of sixteeen years to work therein unless that child shall produce an age and schooling certificate, as provided by and required by law. Any corporation, or the officers or agents thereof, or the members or agents of any firm, or any person violating the provisions of this section, shall

be liable to a penalty of twenty-five dollars for each offense. (As amended by P. L. 1914, ch. 252; P. L. 1923, ch. 80.) (See also Age and Schooling Certificates, P. L. 1923, ch. 88.)

Cited.—Feir v. Weil and Whitehead, 92 L. p. 610, 106 A. 402.

30. Baptismal record as evidence; proviso

(SEC. 4.) In any suit brought to recover a penalty for violation of section one of this act, or in any criminal proceedings wherein the defendant is charged with violating any of the provisions of this act, a copy of the baptismal record, certified to be a true copy under the hand of the person having the custody of such records for the church or parish in which such child was baptized, shall be prima facie evidence of the child's age; *provided, however,* that in case the age of the child is not set forth in the baptismal record, that there shall be other proof showing the age of the child at the time he or she was baptized. (As amended P. L. 1914, ch. 252; P. L. 1923, ch. 80.)

Cited.—Feir v. Whitehead, 92 L. p. 610, 106 A. 402.

31. May demand proof of age; penalty

(SEC. 5.) The Commissioner, assistant or any inspector is hereby empowered to demand of any parent, parents or custodian, proof of the age of a child satisfactory to the Commissioner, and such parent, parents or custodian shall, within five days after such demand is made, furnish to such officer proofs of such child's age; and in the event of the failure to procure and furnish such proof of age, such child shall be discharged by his or her employer upon notice signed by the Commissioner, and shall not be re-employed until such proof of age shall have been furnished to the Commissioner; any person violating the provisions of this section shall be liable to a penalty of fifty dollars for each offense.

32. False swearing; penalty

(SEC. 6.) Anyone who shall swear falsely to any affidavit or present any certificate or passport which he or she knows to be false and any person or persons who shall aid, assist or advise the making of a false affidavit or the obtaining of a false certificate or passport, shall be liable to a penalty of fifty dollars for each offense.

33. Employment of minors at dangerous occupations prohibited; penalty; proviso

(SEC. 7.) No minor under the age of sixteen years shall be employed, permitted or suffered to work in any of the following occupations or in any of the following positions: Adjusting any belt to any machinery; sewing or lacing machine belts in any workshop or factory; oiling, wiping or cleaning machinery, or assisting therein; operating or assisting in operating any of the following machines: Circular or band saws; wood choppers, wood jointers; planers; sandpaper or wood-polishing machinery; wood-turning or boring machinery; picker machines, or machines used in picking wool, cotton, hair, fur or any other material; carding machines; paper lace machines; job or cylinder printing presses operated by power other than foot power; boring or drill presses; stamping machines used in sheet metal and tinware, or in paper and leather manufacturing or in washer and nut factories; metal or paper-cutting machines; corner-staying machines in paper box factories; corrugating rolls, such as are used in corrugated paper, roofing or washboard factories; steam boilers; dough brakes or cracker machinery of any description; wire or iron straightening or drawing machinery; rolling mill machinery; power punches or shears; washing; grinding or mixing machinery; collender rolls and mixing rolls in paper and rubber manufacturing; laundering machinery; or in proximity to any hazardous or unguarded belting, machinery or gearing, which, in the judgment of the Commissioner of Labor, is a menace to the safety of such minors. No minor under the age of sixteen years shall be employed, permitted or suffered to work in, about, or in connection with any processes in which dangerous or poisonous acids are used; or in the manufacture or packing of paints, colors, white or red lead; or in any process in which lead or its compounds are employed; or in soldering; or in occupations causing mineral, animal or vegetable dust in injurious quantities, including flint, clay, metal and talc dust; tobacco, rubber and cotton dust; silk, fur, wool, and leather dust; or in the manufacture or use of dangerous or poisonous dyes; or in the manufacture or preparation of compositions with dangerous or poisonous gases or fumes; or in the manufacture or use of com

position of dye in which the quantity thereof is injurious to health; or in any trade process which shall offer such exposure to excessive heat, cold, muscular exertion or other physical risk as shall, in the judgment of the Commissioner of Labor, be harmful to the health and future working efficiency of such minor. Any corporation, or the officers or agents thereof, the members or agents of any firm, or any person, or the parent, parents or custodian of any child who shall violate any of the provisions of this section shall be liable to a penalty of fifty dollars. Any corporation, or the officers or agents thereof, the members or agents of any firm, or any person, or the parent, parents or custodian of any child who shall be found guilty of a second violation of any of the provisions of this section shall be liable to a penalty of one hundred dollars for such second offense; *provided, however,* that any place where a child or children are habitually employed, contrary to the provisions of this section of the act, shall be a disorderly house, and the officers or agents of any corporation, the members of any firm, or any person owning, operating and managing said business, shall be deemed to be guilty of keeping a disorderly house, and upon conviction thereof, shall be fined, not to exceed one thousand dollars, or shall be committed to jail, not to exceed three years, or both. (As amended P. L. 1914, ch. 252; P. L. 1923, ch. 80.)

NOTE: The following machines and operations have been added by ruling of the Commissioner of Labor to the list already specified in Section 7: Cork working machinery, except automatic feed cork tapering machines, fully guarded, and sorting machines fully guarded (Bryant, 4-4-23); doffers "carding machines" (Bryant, 4-9-23); drill presses, spindle drills, etc. (Bryant 2-14-23); embossing rolls (McBride, 5-9-25); foot press operations including punching, stamping, riveting, and all processes in which there is a crushing and/or shearing hazard (McBride, 7-7-24); furs, curing skins, counting skins, etc., (Bryant, 4-11-21); hydraulic presses and polishing wheels (Bryant, 12-28-16); inrunning rolls (McBride, 5-9-25); lathes and milling machines (Bryant, 5-7-21); metal rolls (McBride, 5-9-25); power rag rolling machines (McBride, 5-9-25); table shears (Bryant, 7-3-19); roller mixers for clay, gum and color mixing (McBride, 2-8-29).

When an infant is hired to do work, in contravention of this act, by reason of false representations, by him, that he is not within the age limit specified in the statute, such false representation does not relieve the employer from the common law liability to recompense for injuries caused by the employer's negligence. A child who is employed in violation of this act is not chargeable with contributory negligence or with having assumed the risks arising out of that employment. Lesko v. Liondale Bleach Works, 93 L. p. 4, 107 A. 275. See also: Hetzel, Jr. v. Wasson Piston Ring Company, 89 L. p. 201, 98 A. 306.

34. Register to be kept; open to inspection; penalty

(Sec. 8.) Any corporation, firm or person, owning or operating a place coming under the provisions of this act and employing, allowing or permitting minors under the age of sixteen years to work therein, shall keep or cause to be kept in the main office of such place, in the town or city which such place is located, a register in which shall be recorded the names, places of residence and time of employment of all such minors and shall keep on file the age and schooling certificates issued to said minors as provided and required by law; such registers and age and schooling certificates shall be produced for inspection upon demand of the commissioner, assistant or any of the inspectors; all police officers and officers and agents of any society incorporated under the laws of this State for the prevention of cruelty to children, and all attendance officers shall have the same right as inspectors to examine such registers and the age and schooling certificates. Any corporation, or the officers or agents thereof, the members or agents of any firm or any person failing to keep such register, or failing to keep on file the age and schooling certificates, or refusing to permit the persons herein authorized to inspect the register and said certificates shall be liable to a penalty of fifty dollars for each offense. (As amended by P. L. 1914, ch. 252; P. L. 1923, ch. 80.)

Eight-Hour Law

35. Age and work hours for children, proviso; no Sunday work; penalty; when disorderly house.

(Sec. 9.) No minor under the age of sixteen years shall be employed, permitted, or allowed to work in places coming under the provisions of this act more than eight hours in a day or forty-eight hours in a week; *provided,* that during the weeks of each

year that any continuation school now established, or which may hereafter be established in the school district or the county in which the minor is employed shall be in session, no minor under the age of sixteen years shall be employed, permitted, or allowed to work in any place or places coming under the provisions of this act for more than forty-two hours in each week; nor shall any minor under the age of sixteen years be employed, allowed, or permitted to work in any place or places coming under the provisions of this act after seven o'clock in the afternoon or before seven o'clock in the morning of any day; nor shall any child under the age of sixteen years be employed, permitted, or allowed to work on the first day of the week, commonly known as Sunday, or any time during said day; any corporation, or the officers and agents thereof, the members of any firm or the agents thereof, or any parent, parents, or custodian of any child who shall violate any of the provisions of this section shall be liable to a penalty not to exceed fifty dollars for each offense. Any place where a child or children are habitually employed contrary to the provisions of this section shall be a disorderly house, and any corporation, or the officers or agents thereof, the members or agents of any firm or any person owning, operating, and managing said business shall be deemed to be guilty of keeping a disorderly house, and upon conviction thereof, shall be fined not to exceed one thousand dollars, or shall be committed to jail, not to exceed three years, or both. (As amended P. L. 1910, ch. 277; P. L. 1914, ch. 252; P. L. 1919, ch. 36.)

SIZE OF ROOMS

36. Minimum air space; proviso

(Sec. 19.) Not less than two hundred and fifty cubic feet of air space shall be provided for each employe or operative at work in a room in a place within the meaning of this act between the hours of six o'clock in the morning and six o'clock in the evening, and not less than four hundred cubic feet of air space for each employe so employed between the hours of six o'clock in the evenning and six o'clock in the morning; *provided,* in all cases where the amount of air space provided does not exceed the amount above fixed, that such room is lighted by electricity during all hours

that artificial light are necessary and persons are employed therein, unless a written permit shall be obtained from the commissioner.

37. Proper ventilation; penalty for not complying; prevention of unhealthful inhalations; provide fans; penalty

(Sec. 20.) The owner, agent or lessee of a place coming under the provisions of this act shall provide, in each work-room thereof, proper and sufficient means of ventilation, and shall maintain proper and sufficient ventilation; if excessive heat be created or if steam, gases, vapors, dust or other impurities that may be injurious to health be generated in the course of the manufacturing process carried on therein, the room shall be ventilated in such a manner as to render them harmless, so far as is practicable; in case of failure, the Commissioner of Labor shall order such ventilation to be provided. Such owner, agent or lessee shall provide such ventilation within twenty days after the service upon him of such order, and in case of failure, shall be liable to a penalty of ten dollars for each day after the expiration of such twenty days, to be recovered by the Commissioner of Labor as hereinafter provided. If, in a place coming under the provisions of this act, glazing or polishing on a wheel or any process is carried on by which dust or any gas, vapors or other impurity is generated in such a manner as to be inhaled by the employes to an injurious extent, and it appears to the Commissioner of Labor that such inhalation could be to a great extent prevented by a fan or other mechanical means, the Commissioner of Labor may order the owner, agent or lessee of such place to provide a fan or other mechanical means of a proper construction for preventing such inhalation within twenty days after the service upon him of such order in writing, and such owner, agent or lessee shall provide such fan or other mechanical means as stated in said order within the time therein stated, and in case of failure so to do, he shall be liable to a fine of ten dollars for each day after the expiration of the time given by such order to make the change. (As amended by P. L. 1912, chapter 5.)

38. Cleaning machinery

(Sec. 21.) No minor under sixteen years of age shall be required, allowed, or permitted to clean any part of the gearing or machinery in any place coming under the provisions of this act, while the same is in motion, or to work between the fixed or traversing parts of any machinery while it is in motion by the action of steam, water or other mechanical power.

Jury Question. In Schwartz v. Argo Mills Co., 92 L. p. 433, 105 A. 199, it was held that it was a question for the jury whether plaintiff had been required by defendant to work in a place forbidden by this statute, and that a non-suit based upon a finding by the trial court, that the cam and moving part of the machine were not parts of the same machine, some of which were moving, was error.

SANITARY

39. Sufficient and separate toilet facilities

(Sec. 23.) Every factory, workshop or mill shall contain sufficient, suitable, convenient and separate water-closets for each sex, which shall be properly screened, ventilated and kept clean; and also a suitable and convenient wash-room; the water-closets used by women shall have separate approaches; if women or girls are employed, a dressing room shall be provided for them when ordered by the Commissioner.

40. Paint or limewash

(Sec. 24.) Factories and workshops in which women and children are employed, and where dusty work is carried on, shall be limewashed or painted at least once in every twelve months.

41. Abstract of law posted

(Sec. 25.) An abstract of this law shall be prepared and furnished upon request by the Commissioner of Labor to every corporation, firm, or person in this state who is affected thereby, and every manufacturer to whom a copy of such abstract is sent or delivered shall post such abstract of this law and keep it posted in plain view in such place that it can be easily read by the employees or operatives in coming in or going out from said factory, workshop, or mill.

42. Obstructing officers

(Sec. 26.) No person shall interfere with, delay, obstruct, or hinder by force or otherwise, the commissioner or inspectors, while in the performance of their duties, or refuse to answer in writing or otherwise, questions asked by such officers relating to the matters coming under the provisions of this act; no person shall impersonate an officer of the department or forge his certificate of authority.

43. Penalties for violations

(Sec. 30.) For the purpose of carrying into effect the provisions of sections eleven, twelve, thirteen, fourteen, fifteen, sixteen, nineteen, twenty-one, twenty-two, twenty-three, twenty-four, twenty-six, twenty-seven and twenty-eight, the Commissioner shall be and he is hereby authorized to make such orders in writing for the protection and safety of employes and operatives and the enforcement of this act in places coming under the provisions of this act, as in his judgment shall seem necessary to carry into effect the provisions of such sections; such order shall be in writing, signed by the Commissioner, and shall specify what shall be necessary to be done and within what time; any corporation, firm or person, violating any of the provisions of sections eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, nineteen, twenty-one, twenty-two, twenty-three, twenty-four, twenty-six, twenty-seven and twenty-eight, shall, for each offense, be liable to a penalty of fifty dollars.

44. Form of legal proceedings; summons; judgment; if execution issue; discharge; fines to State Treasury

(Sec. 44.) All proceedings brought under the provisions of this act shall be by action of debt, in the name of the Commissioner of Labor, to be instituted in any district court of a city, recorders' courts of cities, or before any justice of the peace having due jurisdiction, and the first process shall be by summons returnable in not less than five nor more than ten days, which process shall be served on the owner or owners, person or persons, or any of them, owning the place or operating the business wherein the alleged violation of law has taken place; if such owner or owners, person or persons, reside in the county where the offense was com-

mitted, or if the owner or owners, person or persons as aforesaid, do not so reside in the county where the offense was committed, then said process shall be served on the superintendent, foreman or person in charge of the business or place; service upon a corporation shall be made upon the president, vice-president, secretary, or any director, and if none of them reside in the county where the offense was committed, then service may be made upon the superintendent, foreman, or person in charge of the business or place; in case the owner or owners of a building reside without the limits of the county, then service of the process may be made upon the agent in charge of said building, and if there be no such agent, then service of the process may be made by affixing a copy thereof to the main outer door of such building at least ten days before the return day thereof; all proceedings thereafter shall be the same as in an action of debt in said court; the finding of the court shall be that the defendant has or has not, as the case may be, incurred the penalty claim in the demand of the plaintiff, and judgment shall be given accordingly; in case an execution shall issue and be returned unsatisfied, the court, on application, after notice to the defendant, may award an execution to take the body of the defendant, if an individual, and in case such a defendant is committed under such an execution, he shall not be discharged under the insolvent laws of the State, but shall only be discharged by the court making the order for the body execution, or one of the justices of the supreme court, when such court or justice shall be satisfied that further confinement will not result in the payment of the judgment and costs; all moneys collected under the provisions of this act shall be paid into the treasury of the State of New Jersey.

45. Department of Labor established

(Sec. 45.) For the purpose of carrying into effect and enforcing the provisions of this act, there shall be and hereby is established a department to be known as the Department of Labor; the department shall have its main office in Trenton, and shall consist of a commissioner, an assistant commissioner and eleven inspectors; the Governor shall, immediately after the passage of this act, with the advice and consent of the Senate, appoint some suitable person, who shall be a resident and citizen of this State,

as head of the said department at a salary of six thousand dollars per year, to be paid monthly, whose term of office shall be three years and until his successor is appointed, and whose title shall be Commissioner of Labor; the commissioner shall, with the approval of the Governor, appoint the assistant commissioner who shall be an architect, engineer or mechanic, he shall receive a salary of three thousand dollars per year, to be paid monthly; the Governor shall appoint eleven suitable persons as inspectors, two of whom shall be women, whose salary shall be one thousand five hundred dollars per year each, to be paid monthly; the terms of office of the assistant and the inspectors shall be three years unless sooner removed by the commissioner; the assistant and inspectors shall each be furnished with certificates of authority by the Secretary of State, and they shall produce the same if so required by any manufacturer; the commissioner shall have the power, out of the appropriation made for the purpose of carrying on the work of the department, to purchase badges for the assistant, the inspectors and himself, the commissioner may divide the State into districts, assign inspectors to such districts, and may, in his discretion, transfer them from one district to another; the commissioner, assistant and inspectors may administer oaths and take affidavits in matters relating to the enforcement of this act; the commissioner shall have the right to employ such department clerks for carrying on the work of the department as may, in his judgment, be necessary; such clerks shall receive such salaries as the commissioner, with the approval of the Governor, shall fix, to be paid by the Treasurer on warrant of the Comptroller in equal monthly installments; when the work of the department shall necessitate the employment of additional inspectors, the commissioner shall have the power to employ such inspectors at such compensation and for such length of time as he may deem necessary, and such extra inspectors shall have the same rights, powers and privileges as the inspectors appointed by the Governor; all salaries and expenses incurred by the Commissioner, assistant and all inspectors, in the discharge of their duties, and all salaries and expenses necessary to carry out the provisions of this act, shall be paid from the funds of the State, out of the moneys appropriated for that purpose, by the Treasurer, upon warrant of the Comptroller, upon presentation of proper vouchers for the same, approved by the commissioner; it

shall be the duty of the commissioner to enforce the provisions of this act and to exercise supervision and control over the assistant and the inspectors, and to cause inspections to be made of the factories, mills, workshops, and places where the manufacture of goods of any kind is carried on, by the assistant and the inspectors, as often as practicable, and to make a report of the work of the department to the Governor of the State on or before the thirty-first day of October in each year; to prosecute violations of the provisions of this act in any district court, recorders' courts of cities and before any justice of the peace having due jurisdiction, or in any other court of competent jurisdiction in this State; the commissioner, the assistant commissioner and the inspectors shall have the right at all reasonable hours to enter and inspect factories, mills, workshops and places where the manufacture of goods of any kind is carried on, and each inspector shall make a report in writing of such inspections to the commissioner at least once in each week; inspectors shall make out a list of minors discharged, with the name of the child in full, residence, street and number, name of place from which such minor was discharged and date of discharge; he shall send or deliver within twenty-four hours, such list to the principal of the public school in the district where the minor resides, or to the truant officer having such school district in charge; every deputy inspector shall devote at least eight hours of every working day except public holidays, and four hours on Saturdays to the discharge of his or her duties as such deputy inspector, unless prevented by illness or other disability, and no deputy inspector shall engage in any business, occupation or employment during his or her term of office that will in any way interfere with or prevent the full and faithful performance of such duties. (As amended by P. L. 1907, ch. 257; P. L. 1912, ch. 117.) (See also Department Reorganized, P. L. 1916, ch. 40, as amended by P. L. 1922, ch. 252.)

V. MERCANTILE ESTABLISHMENTS

AN ACT regulating the age, employment, safety, health and work hours of persons employed for wages or other compensation in any employment other than in factories, workshops, mills, places where the manufacture of goods of any kind is carried on, mines, quarries, or in agricultural pursuits.—Title as amended by P. L. 1918, ch. 204, approved March 4, 1918.

P. L. 1911, ch. 136, approved April 7, 1911,
as amended by
P. L. 1914, ch. 253, approved April 17, 1914,
P. L. 1918, ch. 204, approved March 4, 1918,
P. L. 1919, ch. 37, approved April 7, 1919.

46. Minimum age for child labor; penalty; habitual violation a disorderly house.
47. Age and work hours for children; proviso; no Sunday work; penalty, when disorderly house.
48. Inspection of mercantile establishments.
49. Record of children employed kept in office; penalty; habitual violation constitutes a disorderly house; penalty.
50. Children not to be employed in unhealthful or dangerous occupations, penalty for habitual violation.
51. Right of entry for inspection.
52. Proper ventilation; penalty.
53. Toilet facilities.
54. Posting law.
55. Obstructing officers.
56. Penalties.
57. Procedure.
58. Act construed to give additional powers.
59. Mercantile establishment defined.

46. Minimum age for child labor; penalty; habitual violation a disordalty; when disorderly house

(SEC. 1.) No child under the age of fourteen years shall be employed, allowed or permitted to work in any mercantile establishment coming within the provisions of this act; any corporation or the officers or agents thereof, the members of any firm or the agents thereof, or any person who shall employ, allow or permit to work in any mercantile establishment any child under the age of fourteen years shall be liable to a penalty of fifty dollars for each offense. Any place where a child or children are habitually employed, contrary to the provisions of this section of the

act, shall be a disorderly house, and any corporation, or the officers or agents thereof, the members or agents of any firm or any person owning, operating or managing said business shall be deemed to be guilty of keeping a disorderly house, and upon conviction thereof, shall be fined not to exceed one thousand dollars, or shall be committed to jail, not to exceed three years, or both. (As amended by P. L. 1914, ch. 253, and P. L. 1918, ch. 204.)

47. Age and work hours for children; proviso; no Sunday work; penerly house

(SEC. 2.) No child under the age of sixteen years shall be employed, allowed or permitted to work in or in connection with any mercantile establishment unless such child shall produce an age and schooling certificate as provided and required by law, nor shall said child be employed more than eight hours in any one day, or more than forty-eight hours in any one week, or before seven o'clock in the morning or after seven o'clock in the evening; *provided,* that during the weeks of each year that any continuation school now established, or which may hereafter be established in the school district or the county in which said child is employed, shall be in session, no child under the age of sixteen years shall be employed, permitted or allowed to work in any place or places coming under the provisions of this act for more than forty-two hours in any one week; nor shall any child under the age of sixteen years be employed, permitted or allowed to work on the first day of the week, commonly known as Sunday, or any time during said day. Any corporation, or the officers and agents thereof, the members of any firm, or the agents thereof, any person or any parent, parents or custodian of any child who shall violate any of the provisions of this section shall be liable to a penalty not to exceed fifty dollars for each offense. Any place where a child or children are habitually employed contrary to the provisions of this section shall be a disorderly house, and any corporation, or the officers or agents thereof, the members or agents of any firm, or any person owning, operating or managing said business, shall be deemed to be guilty of keeping a disorderly house, and upon conviction thereof, shall be fined not to exceed one thousand dollars, or shall be committed to jail not to exceed three years, or both. (As amended by P. L. 1914, ch. 253; P. L. 1918, ch. 204 and P. L. 1919, ch. 37.)

48. Inspection of mercantile establishments

(Sec. 3.) It shall be the duty of the Commissioner of Labor, the assistant commissioner, the inspectors of the Department of Labor, the attendance officers or other person empowered by law to compel the attendance of children at school, and any police officer or other person designated by law to protect children from cruelty and neglect, and they shall have power to investigate and inspect all mercantile establishments coming under the intent and provisions of this act, in order to enforce the provisions of this act. (As amended by P. L. 1914, ch. 253.)

49. Record of children employed kept in office; penalty; habitual violation constitutes a disorderly house; penalty

(Sec. 4.) Any corporation, firm or person owning or operating a place or places coming under the provisions of this act, and employing, allowing or permitting children between the ages of fourteen and sixteen years to work therein, shall keep or cause to be kept in the main office of such place in the town or city in which such place is located, a register or record in which shall be recorded the name, place or residence and time of employments of such minors employed therein, and shall also keep on file the age and schooling certificate of every such child during the time it is employed in said mercantile establishment. Any corporation, or the officers or agents thereof, or the members or agents of any firm, or any person failing to comply with the provisions of this section shall be liable to a penalty of fifty dollars for each offense. Any place where a child or children are habitually employed, contrary to the provisions of this section of the act shall be a disorderly house, and any corporation, or the officers or agents thereof, the members or agents of any firm, or any person owning, operating, or managing said business, shall be deemed to be guilty of keeping a disorderly house, and upon conviction thereof, shall be fined, not to exceed one thousand dollars, or shall be committed to jail, not to exceed three years, or both. (As amended by P. L. 1914, ch. 253; P. L. 1918, ch. 204.)

50. Children not to be employed in unhealthful or dangerous occupations; penalty for habitual violation

(Sec. 5.) No child under the age of sixteen years shall be employed in any mercantile establishment coming within the pro-

visions of this act in any employment that is detrimental to health or is dangerous to life and limb of a child of that age, or that exposes him to excessive heat or cold, or that requires an excessive muscular exertion that is detrimental to the health and strength of a child of that age, or in the handling of any goods, wares or merchandise that are poisonous, or that give off dust, fumes or gases, or in working around any heated metal, combination of metal or metals or their salts, that give off any dust, fumes or gases that are detrimental to the health, or on, in or around any scaffolding of any character whatsoever or on, in or around any building that is under construction, or in any employment whatsoever which exposes him to conditions that will retard his growth or injure his health, or in any place that is damp and unhealthy, or that is injurious in any way to the health and strength of a child, or in any place where on account of the light or the nature and character of the work, the child's eyesight or hearing will be injured. Any corporation, or the officers or agents thereof, the members or agents of any firm, or any person who shall employ any child, contrary to the provisions of this section of the act, shall be liable to a penalty of fifty dollars for each offense. Any place where a child or children are habitually employed, contrary to the provisions of this section of the act, shall be a disorderly house, and any corporation, or the officers or agents thereof, the members or agents of any firm or any person owning, operating or managing said business, shall be deemed to be guilty of keeping a disorderly house, and upon conviction thereof, shall be fined, not to exceed one thousand dollars, or shall be committed to jail, not to exceed three years, or both. (As amended by P. L. 1914, ch. 253 and P. L. 1918, ch. 204.)

51. Right of entry for inspection

(Sec. 6.) The Commissioner of Labor, his assistant, or any inspector or attendance officer, or other person empowered by law to compel the attendance of children at school, or any police officer or any officer or agent for any duly incorporated society or association for the protection of children from cruelty and neglect, is hereby empowered to enter into and inspect at any reasonable time and without notice or request for permission all mercantile establishments coming under the provisions of this act and to demand

of any parent, custodian or guardian proof of the age of a child, and such parent, custodian or guardian shall, within five days after such request is made, furnish to such officer proof of such child's age; and in the event of the failure to procure and furnish such proof of age, such child shall be discharged by his or her employer upon notice in writing, signed by the Commissioner, and shall not be re-employed until such proof of age shall have been furnished. (As amended by P. L. 1914, ch. 253.)

52. Proper ventilation; penalty

(Sec. 8.) The owner, agent or lessee of a place coming under the provisions of this act, or employer, shall provide in each mercantile establishment proper and sufficient means of ventilation; in case of failure, the commissioner shall order such ventilation to be provided; such owner, agent, lessee or employer shall provide such ventilation within twenty days after the service upon him of such order in writing, and in case of failure shall be liable to a fine of ten dollars for each day after the expiration of the time given by such order to make the change.

53. Toilet facilities

(Sec. 9.) Every mercantile establishment shall contain sufficient, suitable, convenient and separate water-closets for each sex, which shall be properly screened, ventilated and kept clean; and also, if ordered by the Commissioner of Labor, a suitable and convenient wash-room; the water-closets used by women shall have separate approaches; if women or girls are employed, a dressing-room shall be provided for them when ordered by the commissioner.

54. Posting law

(Sec. 10.) An abstract of this law shall be prepared and furnished upon request by the Commissioner to every corporation, firm or person in this State who is affected thereby, and every such corporation, firm or person to whom a copy of such abstract is sent or delivered shall post such abstract of this law and keep it posted in plain view, in such place that it can be easily read by the employes or operatives in coming in or going out from said mercantile establishment.

55. Obstructing officers

(Sec. 11.) No person shall interfere with, delay, obstruct or hinder, by force or otherwise, the Commissioner, the assistant

commissioner, inspectors or truant officers while in the performance of their duties, or refuse to answer, in writing or otherwise, questions asked by such officers relating to the matters coming under the provisions of this act; no person shall impersonate an officer of the department or forge his certificate of authority.

56. Penalties

(Sec. 12.) For the purpose of carrying into effect the provisions of sections seven, nine, ten and eleven of this act the Commissioner shall be and he is hereby authorized to make such orders in writing for the protection and safety of employes and operatives and the enforcement of this act, in places coming under the provisions of this act, as in his judgment shall seem necessary to carry into effect the provisions of such sections; such order shall be in writing, signed by the Commissioner, and shall specify what shall be necessary to be done and within what time; any corporation, firm or person violating any of the provisions of sections seven, nine, ten and eleven, shall, for each offense, be liable to a penalty of fifty dollars.

57. Procedure

(Sec. 13.) All proceedings brought under the provisions of this act shall be by action of debt, in the name of the Commissioner, to be instituted in any district court of a city, recorders' courts of cities, or before any justice of the peace having due jurisdiction, and the first process shall be by summons returnable in not less than five nor more than ten days, which process shall be served on the owner or owners, person or persons, or any of them, owning the place or operating the business wherein the alleged violation of law has taken place; if such owner or owners, person or persons, reside in the county where the offense was committed, or if the owner or owners, person or persons as aforesaid, do not so reside in the county where the offense was committed, then said process shall be served on the superintendent, foreman or person in charge of the business or place; service upon a corporation shall be made upon the president, vice-president, secretary or any director, and if none of them reside in the county where the offense was committed, then service may be made upon the superintendent, foreman or person in charge of the business or place;

in case the owner or owners of a building reside without the limits of the county, then service of the process may be made upon the agent in charge of said building, but if there be no such agent, then service of the process may be made by affixing a copy thereof to the main outer door of such building at least ten days before the return day thereof; all proceedings thereafter shall be the same as in an action of debt in said court; the finding of the court shall be that the defendant has or has not, as the case may be, incurred the penalty claimed in the demand of the plaintiff, and judgment shall be given accordingly; in case an execution shall issue and be returned unsatisfied, the court, on application, after notice to the defendant, may award an execution to take the body of the defendant, if an individual, and in case such a defendant is committed under such an execution he shall not be discharged under the insolvent laws of the State but shall only be discharged by the court making the order for the body execution, one or more of the justices of the Supreme Court, when such court or justice shall be satisfied that further confinement will not result in the payment of the judgment and cost; all moneys collected under the provisions of this act shall be paid into the treasury of the State of New Jersey.

58. Act construed to give additional powers

(Sec. 14.) Nothing herein contained shall be construed to repeal in whole or in part the act entitled "An act regulating the age, employment, safety, health and work hours of persons, employes and operatives in factories, workshops, mills and all places where the manufacture of goods of any kind is carried on, and to establish a department for the enforcement thereof," approved March twenty-fourth, one thousand nine hundred and four, or the amendments thereof, and supplements thereto, but the provisions of this act shall be held to be in addition thereto.

59. Mercantile establishment defined

(Sec. 15.) "Mercantile establishment" as used in this act shall be construed to apply to any employment of any person for wages or other compensation other than in a factory, workshop, mill, place where the manufacture of goods of any kind is carried on, mine, quarry or in agricultural pursuits. (As amended by P. L. 1918, ch. 204.)

VI. MINES

A Further Supplement to an act entitled "An act to reorganize the Department of Labor, to provide for the execution of its powers and the performance of its duties through departmental bureaus, under the supervision and control of the Commissioner of Labor; and, as incidental to such reorganization, to provide for the transfer and assignment of officials and employees in the present department, and to extend the term of office of the Commissioner of Labor," passed March fourteenth, one thousand nine hundred and sixteen, creating a Bureau of Mines in the Department of Labor and defining its powers and duties.

P. L. 1919, ch. 187, approved April 15, 1919,
supplementary to
P. L. 1916, ch. 40.

60. Boys under eighteen not to be employed in mine.

60. Boys under eighteen not to be employed in mine.

(Sec. 25.) Boys under eighteen years of age shall not be employed underground in a mine.

VII. PART-TIME EMPLOYMENT

A Supplement to an act entitled "An Act regulating the age, employment, safety, health and work hours of persons, employees and operatives in factories, workshops, mills and all places where the manufacture of goods of any kind is carried on, and to establish a department for the enforcement thereof," approved March twenty-fourth, nineteen hundred and four. P. L. 1916, ch. 242, approved March 21, 1916,
supplementary to
P. L. 1904, ch. 64.

61. Certificate to work part-time in factories, etc.; work considered part of schooling; proviso; proviso.

61. Certificate to work part-time in factories, etc.; work considered part of schooling; proviso; proviso

(Sec. 1.) It shall be lawful for the Commissioner of Education and the Commissioner of Labor to grant an "Age and School-

ing Certificate" to pupils who study part-time in vocational schools established under the provisions of Chapter 294 of the Laws of nineteen hundred and thirteen, to work in factories, workshops, mills and all places where the manufacture of goods is carried on, if said pupils shall be above the age of fourteen years; the said children to be employed part-time in a factory, workshop or mill designated by the board of education, said employment to be considered as a part of the schooling of said children; *provided,* that either the said Commissioner of Education or the said Commissioner of Labor may revoke the said certificate at any time without assigning any cause for said revocation; *provided,* that nothing in this act shall be construed to permit children to be employed for more than eight hours in any one day, or more than six days in any week, and in accordance with the provisions of Chapter 252, P. L. 1914, "An act to amend an act entitled 'An act regulating the age, employment, safety, health and work hours of persons, employees and operatives in factories, workshops, mills and all places where the manufacture of goods of any kind is carried on, and to establish a department for the enforcement thereof,' approved March twenty-fourth, one thousand nine hundred and four," which amended act was approved April seventeenth, one thousand nine hundred and fourteen.

VIII. MESSENGER SERVICE

AN ACT regulating the employment of persons as messengers for the distribution, transmission or delivery of goods, messages or the performance of other service.

P. L. 1911, ch. 363, approved May 2, 1911.

62. Night messenger service; proviso.
63. Penalty.
64. Department of Labor to inspect and enforce law.
65. Proceedings; how brought; summons; if owner non-resident; service on corporations; executions; fines into State Treasury.

62. Night messenger service; proviso

(SEC. 1.) No person under the age of twenty-one years in cities of the first class, and no person under the age of eighteen years in other municipalities, shall be employed or permitted to

work as a messenger for or by any telegraph, telephone or messenger corporation, firm or person owning, engaged in or operating the business of distributing, transmitting or delivering goods or messages or in the performance of other service, before five o'clock in the morning or after ten o'clock in the evening of any day; *provided,* that the Commissioner of Labor shall have the power to grant permits under extraordinary circumstances for the delivery of telegrams or telephone messages between the hours of ten p. m. and five a. m.

63. Penalty

(SEC. 2.) Any such corporation, firm or person engaged in or operating the business of distributing, transmitting or delivering goods or messages as aforesaid, who shall violate any of the provisions of this act, shall be liable to a penalty of one hundred dollars for each offense, to be sued for in an action of debt, for the use of the State as hereinafter provided. Any repetition or repetitions thereof shall each constitute a separate offense.

64. Department of Labor to inspect and enforce law

(SEC. 3.) It shall be the duty of the Commissioner of Labor and his authorized deputies to enforce the provisions of this act, and to examine and inspect at reasonable intervals, the business and practice of all telegraph, telephone or messenger corporations, firms and persons owning, engaged in or operating the business of distributing, transmitting or delivering goods or messages or in the performance of other service, for the purpose of enforcing the provisions of this act.

65. Proceedings; how brought; summons; if owner non-resident; service on corporations; executions; fines into State Treasury.

(SEC. 4.) All proceedings brought under the provisions of this act shall be by action of debt, in the name of the Commissioner of Labor, but for the use of the State, to be instituted in any District Court of a city, recorders' courts of cities, or before any justice of the peace having due jurisdiction, and the first process shall be by summons, which process shall be served on the owner or owners, person or persons, engaged in or operating the business as aforesaid wherein the alleged violation of the law

has taken place, if such owner or owners, person or persons reside in the county where the offense was committed; or if the owner or owners, person or persons as aforesaid, do not reside in the county where the offense was committed, then said process shall be served on the superintendent, foreman or person in charge of the business; service upon a corporation shall be made upon the president, vice-president, secretary or any director, and if none of them reside in the county where the offense was committed, or cannot be found therein, then said service may be made upon the superintendent, foreman or person in charge of the business, at least ten days before the return day thereof; all proceedings thereafter shall be the same as in an action of debt in said court; the finding of the court shall be that the defendant has or has not, as the case may be, incurred the penalty claimed in the demand of the plaintiff, and judgment shall be given accordingly; in case an execution shall issue and be returned unsatisfied, the court, on application, after notice to the defendant, may award an execution to take the body of the defendant, if an individual, and in case such defendant is committed under such an execution, he shall not be discharged under the insolvent laws of the State, but shall only be discharged by the court making the order for the body execution or one of the justices of the Supreme Court, when such court or justice shall be satisfied that further confinement will not result in the payment of the judgment and costs; all moneys collected under the provisions of this act shall be paid into the treasury of the State of New Jersey.

IX. EMPLOYMENT OF SCHOOL CHILDREN OUTSIDE SCHOOL HOURS

A Supplement to an act entitled "An Act to establish a thorough and efficient system of free public schools, and to provide for the maintenance, support and management thereof," approved October nineteenth, one thousand nine hundred and three.

P. L. 1914, ch. 223, approved April 14, 1914,
supplementary to
P. L. 1903, ch. 1, approved October 19, 1903.

66. Definitions. "Supervisor of school exemption certificates"; "age and schooling certificate"; "age and working certificate"; "employer's certificate".

67. All applicants examined by physician.
68. Department of Labor notified; action on certificate improperly issued.
69. Notification on cancelling certificate.
70. Employment of school children outside school hours; certificate issued to do light work; penalty; proviso.

66. Definitions. "Supervisor of school exemption certificates"; "age and schooling certificate"; "age and working certificate"; "employer's certificate"

(Sec. 1.) Definition. (a) "Supervisor of school exemption certificates," as used in this act, shall mean any superintendent of schools, supervising principal, principal or teacher of any school district who shall be designated by the board of education in that district to carry out the provisions of this act.

(b) "Age and schooling certificate," as used in this act, shall mean a certificate granted by the supervisor of school exemption certificates, and such certificate, when granted, pursuant to this act, shall authorize the holder thereof to cease attending school when employed in some occupation lawful for children under sixteen years of age.

(c) "Age and working certificate," as used in this act, shall mean a certificate granted by the supervisor of school exemption certificates, pursuant to section thirteen of this act, which certificate, when granted, shall not exempt the child from attendance at school, but shall allow such child to secure certain employment in the open air, which employment shall be lawful for children under fourteen years of age.

(d) "Employer's certificate," as used in this act, shall mean a certificate setting forth the fact that a child has secured employment, as provided in section twelve of this act.

67. All applicants examined by physician

(Sec. 7.) Before granting any age and schooling certificate or age and working certificate the child shall appear before a medical inspector employed by the board of education who shall examine said child and file with the supervisor of school exemption certificates a certificate signed by said medical inspector describing the physical condition of said child and certifying as to whether such child has the normal development of a child of its age and is of sufficiently sound health and physically able to be

employed in any of the occupations in which a child between fourteen and sixteen years of age may legally be employed.

68. Department of Labor notified, action on certificate improperly issued

(Sec. 10.) Every supervisor of school exemption certificate issuing an age and schooling certificate or an age and working certificate shall send immediately to the Department of Labor at Trenton the original papers upon which said certificate was granted. Said department shall examine said papers and promptly return them to the supervisor of school exemption certificates, who shall file them in his office. Whenever there is reason to believe that an age and schooling certificate or an age and working certificate was improperly issued the Commissioner of Labor shall notify the Commissioner of Education and the board of education of the school district in which said certificate was issued. The board of education of said district may cancel any age and schooling certificate or any age and working certificate issued by it and shall cancel the same when directed so to do by the Commissioner of Education.

69. Notification on cancelling certificate

(Sec. 12.) Whenever any age and schooling certificate or any age and working certificate shall have been cancelled as provided in section ten of this act, the board of education cancelling said certificate shall immediately notify the Commissioner of Education, the Commissioner of Labor and the person or corporation by whom the child is employed of its action, and said person or corporation shall immediately upon receiving said notice forward said certificate to the Commissioner of Education.

70. Employment of school children outside school hours; certificate issued to do light work; penalty; proviso

(Sec. 13.) Whenever a child between the age of ten and sixteen years desires to work in order to assist in supporting itself or the family, it shall be lawful for the parent, guardian or other person having the custody and control of said child between the ages of ten and sixteen years to file a petition with the supervisor of school exemption certificates of the school district in which the child resides, which petition shall set forth the fact

that said child desires to secure employment in order to help support itself or family, together with evidence which shall comply with the provisions of this act as to the age of said child and the character of the work the child is to perform, which work shall only include selling newspapers, blacking shoes, running errands, and other light employments, not otherwise prohibited by law for children under sixteen. If upon investigation it shall be found that the facts set forth in the petition are true and that the work will not interfere with the child's standing in school, or with the child's health, it shall be lawful for the supervisor of school exemption certificates to grant to said child an age and working certificate, to work at such times as the public schools in the district shall not be in session, but not before six o'clock in the morning nor after seven o'clock at night. Any person, the members of any firm or the officers or agents of any corporation employing, permitting, or allowing a child to work, contrary to the provisions of this section, shall be deemed and adjudged to be a disorderly person or persons, and upon conviction thereof, shall be fined fifty dollars, or imprisoned not to exceed one year or both; *provided,* that nothing contained in this section shall apply to any child employed in agricultural pursuits.

X. THEATRICALS, MENDICANCY, ETC.

An Act to protect children from neglect and cruelty, and relating to their employment, protection and adoption.
P. L. 1880, ch. 95, approved March 4, 1880.

71. Employment of children under fifteen years of age for vocations injurious to health or morals; penalty.
72. Employment of children under eighteen years of age for mendicant purposes; penalty.
73. Employment of children under fifteen years of age to act in dance-house, concert saloon or theatre; penalty.

71. Employment of children under fifteen years of age for vocations injurious to health or morals; penalty.

(Sec. 2.) Any person having the care, custody or control of any minor child under the age of fifteen years who shall in any manner sell, apprentice, give away or otherwise dispose of such child for the vocation or occupation of rope or wire-walking, or

as an acrobat, gymnast, contortionist or rider, and any person having the care, custody or control of any minor child whatsoever who shall sell, apprentice, give away or otherwise dispose of such child, or who shall take, receive or employ such child for any obscene, indecent or illegal exhibition or vocation, or any vocation injurious to the health or dangerous to the life or limb of such child engaged therein, or for the purpose of prostitution, and any person who shall retain, harbor or employ any minor child in or about any assignation-house or brothel, or in any place where any obscene, indecent or illegal exhibition takes place, shall be guilty of a misdemeanor, and upon conviction thereof, before any justice of the peace, magistrate or court of record, shall be fined not less than fifty dollars nor more than one hundred dollars for each offense.

72. Employment of children under eighteen years of age for mendicant purposes; penalty

(Sec. 3.) That any person having the care, custody or control, lawful or unlawful, of any minor child under the age of eigthteen years, who shall use such minor or apprentice, give away, let out, hire or otherwise dispose of such minor to any person for the purpose of singing, playing on a musical instrument, begging, or for any mendicant business whatsoever, in the streets, roads or other highways of this state, and whosoever shall take, receive, hire, employ, use or have in custody any such minor for the vocation, occupation, calling, service or purpose of singing, playing upon musical instruments or begging upon the streets, roads or other highways of the state, or for any mendicant business whatever, shall be guilty of a misdemeanor, and upon conviction thereof, in the manner provided in the first section of this act, shall be fined not less than fifty dollars nor more than one hundred dollars.

73. Employment of children under fifteen years to act in dance-house, concert saloon or theatre; penalty

(Sec. 4.) That any person having the care, custody or control of any minor child under the age of fifteen years, who shall in any manner sell, apprentice, give away or permit such child to sing, dance, act or in any manner exhibit in any dance-house whatever, or in any concert saloon, theatre or place of entertain-

ment where wines or spirituous or malt liquors are sold or given away or with which any place for the sale of wines or spirituous or malt liquors is directly or indirectly connected by any passage-way or entrance, and any proprietor of any dance-house whatever, or any such concert saloon, theatre or place of entertainment so employing any such child, shall be guilty of a misdemeanor, and upon conviction thereof, in the manner provided in the first section of this act, shall be fined not less than fifty dollars nor more than one hundred dollars for each offense.

XI. DOUBLE COMPENSATION FOR MINORS ILLEGALLY EMPLOYED

AN ACT to amend an act entitled "An Act prescribing the liability of an employer to make compensation for injuries received by an employee in the course of employment, establishing an elective schedule of compensation, and regulating procedure for the determination of liability and compensation thereunder," approved April fourth, one thousand nine hundred and eleven.

P. L. 1924, ch. 159, approved March 11, 1924, effective July 4, 1924,

amendatory of

P. L. 1911, ch. 95, approved April 4, 1911.

74. Presumption in contract unless contrary stated; as to minors; double compensation if law violated; age and schooling certificate; as to false representation; employer's liability.

74. Presumption in contract unless contrary stated; as to minors; double compensation if law violated; age and schooling certificate; as to false representation; employer's liability.

(SEC. 9). Every contract of hiring made subsequent to the time provided for this act to take effect shall be presumed to have been made with reference to the provisions of section two of this act, and unless there be as a part of such contract an express statement in writing, prior to any accident, either in the contract itself or by written notice from either party to the other, that the provisions of section two of this act are not intended to apply, then it shall be presumed that the parties have accepted the pro-

visions of section two of this act and have agreed to be bound thereby. In the employment of minors, section two shall be presumed to apply unless the notice be given by or to the parent or guardian of the minor. If the injured employe at the time of the accident is a minor under fourteen years of age employed in violation of the labor law or a minor between fourteen and sixteen years of age employed, permitted or suffered to work without an age and schooling certificate or age and working certificate or at an occupation prohibited at that age by the labor law, a compensation or death benefit shall be payable to the employe or his dependents which shall be double the amount payable under the schedules provided in paragraphs eleven and twelve.

The possession of a duly issued age and schooling certificate or age and working certificate or certificate of date of birth shall be conclusive evidence for an employer that the minor has reached the age certified to therein and no extra compensation shall be payable to any minor engaged in an employment allowed by the law for the age and sex certified to in such certificate. If the certificate presented by the employe as one issued to him shall have been really issued to another child and the real age of the employe shall be such that his employment in any capacity or in the particular capacity he was employed by the employer was prohibited and if the employer shall show to the satisfaction of the Workman's Compensation Bureau that he accepted the certificate in good faith as having been issued to the employe and could not have, despite reasonable diligence, discovered the fraud, in such event no extra compensation shall be paid to the employe illegally employed.

The employer alone and not the insurance carrier shall be liable for the extra compensation or death benefit which is over and above the amount of the compensation or death benefit provided under paragraphs ten and eleven of this section. Any provision in an insurance policy undertaking to relieve an employer from the liability for the extra compensation or extra death benefit shall be void.

Nothing in this act contained shall deprive an infant under the age of sixteen of the right or rights now existing to recover damages in a common law or other appropriate action or proceeding for injuries received by reason of the negligence of his or her master.

Construction and Operation.—In enacting the Workmen's Compensation Act and declaring that every contract of hiring made subsequent to its going into effect shall be presumed to have been made with reference to the act, etc., the legislature must have had in mind contracts which were valid in law, or at least contracts which were not prohibited by statute; hence, where an infant thirteen years of age was employed in a factory in direct contravention of the provisions of this section, and was injured while so employed, the scheme of compensation provided therein nowise applies, and the common law liability of the employer to compensate the employee for injuries alleged to have been caused by the negligence of the master is not affected thereby. Hetzel, Jr., v. Wasson Piston Ring Company, 89 L. p. 201, 98 A. 306.

Cited.—Amer. Mutual Liability Insurance Co. v. Volpe, 284 Fed. p. 75.

A father who has allowed his son, under the age of fourteen to work in a factory in violation of this section, cannot recover from the employer damages resulting from injuries received by the son which arose out of the employment. Hetzel, Sr., v. Wasson Piston Ring Company, 89 L. p. 205, 98 A. 308.

Cited.—Hetzel, Jr., v. Wasson Piston Ring Company, 89 L. p. 201, 98 A. 306; Feir v. Weil and Whitehead, L. p. 610, 106 A. 402.

Opinion.—It is contended by the respondent in this case that this boy was engaged by the respondents to perform only such light work as handling bags, sorting potatoes, etc., and that therefore, in attempting to perform an operation for which he was not employed, he took himself outside of the scope of his employment and therefore was not injured as result of an accident arising in his employment. In this conclusion I find myself unable to concur. There is sufficient evidence in the record to establish that this boy, in the absence of the respondent employers, was left under the direction of the man operating the threshing machine, and the testimony discloses that this man had directed the boy to perform the operation which resulted in his injury. If therefore, this service was being performed at the direction of superior authority it cannot be said that he voluntarily took himself outside of the scope of his employment.

With regard to this employment, it cannot be said that such employment was legal, the statutes clearly prohibiting the employing of a minor under sixteen years of age in proximity to hazardous machinery of this character. Double compensation therefore, is due, under the provisions of paragraph 9, and payable in this case. The second portion of compensation at $8 per week must be paid by the respondents and cannot be charged to the insurance carrier.—Deputy Commissioner of Compensation Wm. E. Stubbs in re Lester T. Grover v. Grover Bros., rendered Sept., 1929.

Employment of Females

XII. Ten-Hour Law.
XIII. Night Work Prohibited.
XIV. Seats for Women.

XII. TEN-HOUR LAW

AN ACT to regulate and limit the hours of employment of females in any manufactory, mercantile establishment, in any bakery, laundry or restaurant, in order to safeguard the health of such employe; to provide for its enforcement and a penalty for its violation.

P. L. 1912, ch. 216, approved March 28, 1912,
as amended by
P. L. 1920, ch. 236, approved April 20, 1920, and
P. L. 1921, ch. 194, approved April 8, 1921.

75. Employment of women; proviso; proviso.
76. Inspection duties.
77. Abstract of law furnished those affected.
78. Penalties.
79. Proceedings, how brought; service of summons; findings; execution issued.
80. "Manufacturing establishments" defined.
81. "Mercantile establishment" defined.
82. "Bakery" defined.
83. "Restaurant" defined.
84. "Laundry" defined.
85. Validity of sections.

75. Employment of women; proviso; proviso

(SEC. 1.) No female shall be employed, allowed or permitted to work in any manufacturing or mercantile establishment, in any bakery, laundry or restaurant more than ten hours in any one day, or more than six days, or fifty-four hours in any one week; *provided*, that in hotels or other establishments the business of which is in its nature continuous, and where the working hours for women do not exceed eight hours per day, the provisions of this act shall not apply; *and provided,* that nothing herein contained shall apply to canneries engaged in packing a perishable product such as fruits and vegetables. (As amended by P. L. 1921, ch. 194.)

76. Inspection duties

(SEC. 2.) It shall be the duty of the Commissioner of Labor, the assistant commissioner or the inspectors and they shall have power to investigate and inspect, all establishments coming under the intent and provisions of this act.

Posting Law

77. Abstract of law furnished those affected

(Sec. 3.) An abstract of this law shall be prepared and furnished by the Commissioner of Labor to every corporation, firm or person in this State who is affected thereby, and every such corporation, firm or person shall post such abstract of this law and keep it posted, in plain view, in such place that it can easily be read by the employes or operatives in going in or coming out from said manufacturing or mercantile establishment, bakery, laundry or restaurant, and shall also keep a record of the hours of work of each employe in a proper book prepared for that purpose, which book shall be open to the inspection of the department of labor as required.

78. Penalties

(Sec. 4.) Whoever employs any female or permits any female to be employed in violation of any of the provisions of this act, or fails to carry into effect the requirements as to posting, pursuant to section three, and keeping the record designated in and by said section three of this act, shall be punished for the first offense by a fine of not more than fifty dollars, and for a second offense by a fine of not more than two hundred dollars. (As amended by P. L. 1920, ch. 236.)

Procedure

79. Proceedings, how brought; service of summons; findings; execution issued

(Sec. 5.) All proceedings brought under the provisions of this act shall be by action of debt, in the name of the Commissioner of Labor, but for the use of the State, to be instituted in any district court of a city, recorders' courts of cities, or before any justice of the peace having due jurisdiction, and the first process shall be by summons, which process shall be served on the owner or owners, person or persons engaged in or operating the business as aforesaid, wherein the alleged violation of the law has

taken place, if such owner or owners, person or persons reside in the county where the offense was committed; or if the owner or owners, person or persons as aforesaid do not reside in the county where the offense was committed, then said process shall be served on the superintendent, foreman or person in charge of the business; service upon a corporation shall be made upon the president, vice-president, secretary or any director, and if none of them reside in the county where the offense was committed, and cannot be found therein, then said service may be made upon the superintendent, foreman or person in charge of the business at least ten days before the return day thereof; all proceedings thereafter shall be the same as in an action of debt in said court; the finding of the court shall be that the defendant has or has not, as the case may be, incurred the penalty claimed in the demand of the plaintiff, and judgment shall be given accordingly; in case an execution shall issue and be returned unsatisfied, the court, on application, after notice to the defendant, may award an execution to take the body of the defendant, if an individual, and in case such defendant is committed under such an execution, he shall not be discharged under the insolvent laws of the State, but shall only be discharged by the court making the order for the body execution, or one of the justices of the Supreme Court, when such court or justice shall be satisfied that further confinement will not result in the payment of the judgment and costs; all moneys collected under the provisions of this act shall be paid into the treasury of the State of New Jersey.

80. "Manufacturing establishments" defined

(Sec. 6.) "Manufacturing establishments" as used in this act means any place where articles for use or consumption are regularly made.

81. "Mercantile establishment" defined

(Sec. 7.) "Mercantile establishment" as used in this act means any place where goods, wares or merchandise are offered for sale.

82. "Bakery" defined

(Sec. 8.) "Bakery" as used in this act shall include all buildings, rooms or places where biscuits, pies, bread, crackers, cakes and confectionery are made or manufactured for sale.

83. "Restaurant" defined

(SEC. 9.) "Restaurant" as used in this act means any place where refreshments, both food and drink, and where meals are served to the public.

84. "Laundry" defined

(SEC. 10.) "Laundry" as used in this act means any place where laundry work is regularly carried on.

85. Validity of sections

(SEC. 11.) In case for any reason any section or provision of this act shall be questioned in any court, and shall be held to be unconstitutional or invalid, the same shall not be held to affect any other section or provision of this act.

XIII. NIGHT WORK PROHIBITED

A SUPPLEMENT to an act entitled: "An Act to regulate and limit the hours of employment of females in any manufactory, mercantile establishment, in any bakery, laundry or restaurant, in order to safeguard the health of such employees; to provide for its enforcement and a penalty for its violation," approved March twenty-eighth, one thousand nine hundred and twelve.

P. L. 1923, ch. 144, approved March 21, 1923, supplementary to
P. L. 1912, ch. 216, approved March 28, 1912.

86. Hours for employment for females; proviso.
87. Date effective.

86. Hours for employment for females; proviso.

(SEC. 1.) In order to protect the health and morals of females employed in manufacturing establishments, bakeries and laundries by providing an adequate period of rest at night, no female shall be employed or permitted to work in any manufacturing establishment, bakery or laundry in this State before six o'clock in the morning or after ten o'clock in the evening of any day; *pro-*

vided, that nothing herein contained shall apply to canneries engaged in packing a perishable product, such as fruits or vegetables.

87. Date effective

(Sec. 2.) This act shall take effect December thirty-first, one thousand nine hundred and twenty-four.

XIV. SEATS FOR WOMEN

An Act for the protection of the health of females employed in mercantile establishments.

P. L. 1909, ch. 147, approved April 17, 1909.

88. Seats for female employes.
89. Enforcement of act.
90. Penalties.
91. Proceedings; how brought; process served; further proceedings; if execution issue; when discharged.

88. Seats for female employes

(Sec. 1.) Every individual, firm or corporation, or the managing agent of such individual, firm or corporation, having in his or their employ one or more females engaged in the services and operations incident to any commercial employment, shall provide and maintain seats of a suitable kind, conveniently situated at or near the counter, work bench or other places where her or their work is ordinarily performed, for the use of such females, who shall be allowed free access to such seats at all times except when engaged in the discharge of duties that cannot properly be performed in a sitting position.

89. Enforcement of act

(Sec. 2.) It shall be the duty of the Commissioner of Labor and his authorized deputies to see that the provisions of this act are carried out in all the mercantile establishments throughout the State in which female labor is employed, and the said Commissioner or one of his deputies shall thereafter at reasonable intervals examine and inspect all such mercantile establishments for

the purpose of seeing that the seats as provided for in this act are fully maintained, and that female employes are permitted to use them freely and without hindrance according to the spirit of this act.

90. Penalties

(Sec. 3.) Any individual, firm or corporation owning or managing an establishment to which this act applies, who shall fail to comply with its requirements within ten days after the date on which notice to do so has been served by the Commissioner of Labor or one of his deputies shall be liable to a penalty of twenty-five dollars ($25) for each offense, and a failure to comply within the period of ten days (10) with such repetition of the notice as may be necessary shall each constitute a separate offense.

91. Proceedings; how brought; process served; further proceedings; if execution issue; when discharged

(Sec. 4.) All proceedings brought under the provisions of this act, shall be by action of debt, in the name of the Commissioner, to be instituted in any district court of a city, recorders' courts of cities, or before any justice of the peace having due jurisdiction, and the first process shall be by summons, which process shall be served on the owner or owners, person or persons, or any of them, owning the place or operating the business wherein the alleged violation of the law has taken place; if such owner or owners, person or persons reside in the county where the offense was committed, or if the owner or owners, person or persons, as aforesaid, do not reside in the county where the offense was committed, then said process shall be served on the superintendent, foreman, or person in charge of the business or place; service upon a corporation shall be made upon the president, vice-president, secretary, or any director, and if none of them reside in the county where the offense was committed, then service may be made upon the superintendent, foreman or person in charge of the business or place; in case the owner or owners of a building reside within the limits of the county, the service of the process may be made upon the agent in charge of said building, and if there be no such agent, then service of the process may be made by affixing a copy thereof to the main outer door of such building at least ten days before the return day thereof; all proceedings thereafter

shall be the same as in an action of debt in said court; the finding of the court shall be that the defendant has or has not, as the case may be, incurred the penalty claimed in the demand of the plaintiff, and judgment shall be given accordingly; in case an execution shall issue and be returned unsatisfied, the court, on application, after notice to the defendant may award an execution to take the body of the defendant, if an individual, and in case such defendant is committed under such an execution, he shall not be discharged under the insolvent laws of the State, but shall only be discharged by the court making the order for the body execution or one of the justices of the Supreme Court, when such court or justice shall be satisfied that further confinement will not result in the payment of the judgment and costs; all money collected under the provisions of this act shall be paid into the treasury of the State of New Jersey.

General

XV. Registration of Factories, etc.
XVI. Sweat Shops.
XVII. Meal Hours.
XVIII. Payment of Wages.
XIX. School Attendance Laws.
XX. References.

XV. REGISTRATION OF FACTORIES, ETC.

AN ACT further to amend an act entitled "An act regulating the age, employment, safety, health, and work hours of persons, employees and operatives in newspaper plants, printeries, factories, workshops, mills, commercial laundries, and all places where printing or the manufacture of goods of any kind is carried on, and in mines and quarries, and to establish a department for the enforcement thereof," approved March twenty-fourth, one thousand nine hundred and four.

P. L. 1925, ch. 117, approved March 13, 1925,
amendatory of
P. L. 1904, ch. 64, sec. 29, approved March 24, 1904.

92. Certain information furnished Commissioner of Labor.
93. Registry kept; penalty.

92. Certain information furnished Commissioner of Labor

(SEC. 1.) Section 29 of the act of which this act is amendatory shall read as follows: Sec. 29. Every person, firm or corporation which now or hereafter shall engage in any productive industry coming under the supervision of the Department of Labor as a factory, workshop, mill, newspaper plant, printery, or commercial laundry shall register the same with the Commissioner of Labor before the commencement of business, giving the legal name, home address, the nature of the business, the maximum number of persons to be employed, and such other data as the Commissioner of Labor may require.

93. Registry kept; penalty

(SEC. 2.) The Commissioner of Labor shall keep, or cause to be kept, a complete registry of all persons, firms and corporations that are now or may hereafter conduct such establishments in this State and assign to each a registration number. A notice of such registration shall be kept posted in a conspicious position in the building or part of building occupied by each registrant. Any person, firm or corporation violating any of the provisions of this act shall be liable to a penalty of not less than one hundred nor

more than two hundred and fifty dollars for each offense, which penalties shall be enforced and collected in the same manner as is provided for the collection of penalties in the act of which this act is amendatory.

XVI. SWEAT SHOPS

AN ACT to supplement and amend an act entitled "An act regulating the age, employment, safety, health and work hours of persons, employees and operatives in factories, workshops, mills and all places where the manufacture of goods of any kind is carried on, and to establish a department for the enforcement thereof," approved March twenty-fourth, one thousand nine hundred and four.

P. L. 1917, ch. 176, approved March 27, 1917, amendatory of and supplementary to P. L. 1904, ch. 64, approved March 24, 1904.

94. License to manufacture in dwelling or building in the rear; application for license; six months' license; what application to show; inspection before granting license; when granted; number in room, how determined; license posted; revocation; place kept in sanitary condition; destroy articles on finding contagious disease.
95. Not to employ parties unlicensed; pertaining solely to family.
96. Penalty for violating preceding sections.

94. License to manufacture in dwelling or building in the rear; application for license; six months' license; what application to show; inspection before granting license; when granted; number in room, how determined; license posted; revocation; place kept in sanitary condition; destroy articles on finding contagious disease

(SEC. 31.) No room or rooms, apartment or apartments, in any tenement or dwelling house, or in a building situated immediately in the rear of any apartment, tenement or dwelling house shall be used for the purpose of manufacturing, altering, repairing or finishing therein, for wages or for sale, any articles whatsoever unless a license is secured therefor, as provided in this act.

Application for such a license shall be made to the Commissioner of Labor by any family or a member thereof, or any person, firm or corporation desiring to manufacture, alter, repair or finish any such articles in any room or apartment

in any tenement or dwelling-house or by any person, firm or corporation desiring to perform such work in any building in the rear of any tenement or dwelling-house. Each license shall run continuously for a period of six months, whereupon a new or further license must be obtained. Each application for such a license shall describe the room or apartment, shall specify the number of persons to be employed therein, and shall be in such form as the Commissioner of Labor may determine. Blank applications shall be prepared and furnished by the Commissioner of Labor. Before any such license is granted an inspection of the room, apartment or building sought to be licensed shall be made by the Commissioner of Labor, factory inspector or in the discretion of the Commissioner of Labor by any local board of health or its inspector or inspectors. If the Commissioner of Labor or such inspectors as herein provided for ascertain that such room, apartment or building is in a clean and proper sanitary condition, and that the articles specified in this section may be manufactured therein under clean and healthful conditions, he shall grant a license permitting the use of such room, apartment or building for the purpose of manufacturing, altering, repairing or finishing such articles. Each license shall state the maximum number of persons who may be employed in the room or rooms to which such license relates. The number of persons to be so employed shall be determined by the number of cubic feet of air space contained in each room or apartment mentioned in such license, allowing not less than two hundred and fifty cubic feet for each person employed between the hours of six o'clock in the morning and six o'clock in the evening, unless by special written permit of the Commissioner of Labor, and not less than four hundred cubic feet for each person employed therein between the hours of six in the evening and six in the morning, but no permit shall be issued unless such room or apartment has suitable light at all times during such hours as such persons are employed therein.

Such license must be posted in a conspicuous place in the room or apartment to which it relates. It may be revoked by the Commissioner of Labor if the health of the community or of the employees requires it, or if it appears that the rooms or apartments to which such license relates are not in a healthy and proper sanitary condition. Every room or apartment in which any of the articles named in this section are manufactured, altered, re-

paired or finished shall be kept in a clean and sanitary condition, and shall be subject to examination and inspection by the Commissioner of Labor, factory inspectors, or local boards of health for the purpose of ascertaining whether said garments or articles, or any part or parts thereof, are clean and free from vermin and every matter of infectious or contagious nature.

If the Commissioner of Labor, factory inspector or local board of health shall find evidence of infectious or contagious disease present in any workshop, or in goods manufactured or in process of manufacture therein, the Commissioner of Labor, factory inspector or local board of health shall issue such orders as the public health may require and shall condemn and destroy such infectious and contagious articles.

95. Not to employ parties unlicensed; pertaining solely to family

(31a.) No person, firm or corporation shall hire, employ or contract with any member of a family, or any person, firm or person not holding a license therefore, to manufacture, alter, repair or finish any articles whatsoever in any room or apartment in any tenement or dwelling or any room or apartment in any building situated in the rear of a tenement or dwelling-house, as aforesaid, and no person, firm or corporation shall receive, handle or convey to others or sell, hold in stock or expose for sale any articles whatsoever unless made under the sanitary conditions and in accordance with this act. This act shall not prevent, however, the employment of a tailor or seamstress by any person or family for the purpose of making, altering, repairing or finishing any articles of wearing apparel for such person or for family use, and shall not prevent such employment by women's exchanges or philantropic associations not organized for pecuniary profit.

96. Penalty for violating preceding sections

(Sec. 32.) Any person, firm or corporation being the owner, lessee or occupant of the place or places to which the preceding sections or any part thereof relate, shall, for the violation of any of the provisions therein, be liable to a penalty of fifty dollars for the first offense and one hundred dollars for each succeeding offense.

A Further Supplement to an act entitled "An act regulating the age, employment, safety, health and work hours of persons, employees and operatives in factories, workshops, mills and all places where the manufacture of goods of any kind is carried on, and to establish a department for the enforcement thereof," approved March twenty-fourth, one thousand nine hundred and four.

P. L. 1917, ch. 229, approved March 29, 1917, supplementary to

P. L. 1904, ch. 64, approved March 24, 1904.

97. Working and sleeping rooms separate; entrance; sanitary conditions.
98. Register of persons to whom work is given.
99. Food, dolls' or children's clothing not to be made in tenement.
100. Penalty for violations.

97. Working and sleeping rooms separate; entrance; sanitary conditions

(Sec. 1.) The Commissioner of Labor may, when he deems it necessary, require that all rooms or apartments used for the purpose of manufacturing, altering, repairing or finishing therein any articles as mentioned in section thirty-one of the act of which this act is a supplement shall be separate from and have no door, window or other opening into any living or sleeping room or any tenement or dwelling, and that no other rooms or apartments shall be used at any time for sleeping purpose and shall contain no bed, bedding or cooking utensils. He may further require or direct a separate outside entrance to the rooms or apartments where the work is carried on, and if such work is carried on above the first floor, then there may be directed a separate and distinct stairway leading thereto, and every such room or apartment shall be well and sufficiently lighted, heated and ventilated by ordinary, or, if necessary, by mechanical appliances. He may also require suitable closet arrangements and separate toilets when and as he deems it necessary.

98. Register of persons to whom work is given

(Sec. 2.) Any person, firm or corporation, by themselves or by their agents or managers, contracting for the manufacturing, altering, repairing or finishing of any articles whatsoever, as mentioned in section thirty-one of the act of which this is a supple-

ment, or giving out material for which they or any part of them are to be manufactured, altered, repaired or finished, shall keep a register of the names and addresses plainly written in English of the persons to whom such article or articles are given to be so manufactured, altered, repaired or finished, or with whom they have contracted to do the same. Such register shall be subject to inspection on demand by the Commissioner of Labor or factory inspectors, and a copy thereof shall be furnished at his or their request.

99. Food, dolls' or children's clothing not to be made in tenement

(Sec. 3.) No articles of food, no dolls, dolls' clothing and no article of children's or infants' wearing apparel shall be manufactured, altered, repaired or finished in whole or in part for a factory, either directly or through the instrumentality of one or more contractors or third persons in a tenement house, in any portion of an apartment, any part of which is used for living purposes.

100. Penalty for violations

(Sec. 4.) Any person, firm or corporation, being the owner, lessee or occupant of the place or places to which the preceding sections or any part thereof relate, shall, for the violation of any of the provisions herein, be liable to a penalty of fifty dollars for the first offense, and one hundred dollars for each succeeding offense.

XVII. MEAL HOURS

A Further Supplement to an act entitled "An act regulating the age, employment, safety, health and work hours of persons, employes and operatives in factories, workshops, mills and all places where the manufacture of goods of any kind is carried on, and to establish a department for the enforcement thereof," approved March twenty-fourth, one thousand nine hundred and four.

P. L. 1911, ch. 273, approved April 27, 1911,
supplementary to
P. L. 1904, ch. 64, approved March 24, 1904.

101. Time for noon meal.
102. Period for meal.
103. Meal hour posted.
104. Penalty.

101. Time for noon meal

(Sec. 1.) Every corporation, firm or person owning or operating any place coming under the provisions of the act to which this act is a supplement, shall give all operatives and employes at least one-half hour for their midday meal, after being continuously employed for a period of not more than six hours, on any workday except Saturday.

102. Period for meal

(Sec. 2.) The period for such meal shall be fixed by every such employer, having in view the health and physical welfare of such operatives and employes in all such factories, workshops, mills and places where the manufacture of goods of any kind is carried on; if any such place is operated at night, or in eight-hours shifts, such meal period shall be fixed as aforesaid for such operatives and employes at such time as may be consistent with the mutual interests of such employer and operatives and employes.

103. Meal hour posted

(Sec. 3.) Notice of the hours within which such operatives may obtain such meals shall be plainly printed and kept posted in a conspicuous place in all work-rooms where any such employes or operatives are engaged.

104. Penalty

(Sec. 4.) Any such owner or employer, violating any of the provisions of this act shall be liable to a penalty of one hundred dollars for the first offense and of two hundred dollars for each subsequent offense.

XVIII. PAYMENT OF WAGES

AN ACT to provide for the payment of wages in lawful money of the United States every two weeks.

P. L. 1899, ch. 38, approved March 16, 1899,
as amended by
P. L. 1904, ch. 195, approved March 29, 1904,
P. L. 1928, ch. 150, approved April 9, 1928,
P. L. 1929, ch. 235, approved April 29, 1929.

105. Bi-weekly payment in lawful money; proviso; proviso; payment by check; penalties; jurisdiction of courts; process; summary procedure; on refusal to pay judgment; adjourning hearing; bail; form of conviction; form of commitment; penalty for subsequent violations; signing and sealing process; corrections by court; certain workmen exempted.
106. Agreements as to time for payment of wages, except for shorter intervals than two weeks, invalid.
107. Enforcement of act by Commissioner of Labor.
108. Section 4, Chapter 150, P. L. 1928, repealed.

105. Bi-weekly payment in lawful money; proviso; proviso; payment by check; penalties; jurisdiction of courts; process; summary procedure; on refusal to pay judgment; adjourning hearing; bail; form of conviction; form of commitment; penalty for subsequent violations; signing and sealing process; corrections by court; certain workmen exempted.

1. Every person, firm, association or partnership doing business in this State, and every corporation organized under or acting by virtue of or governed by the provisions of an act entitled "An act concerning corporations" (Revision of one thousand eight hundred and ninety-six), in this State, shall pay at least every two weeks, in lawful money of the United States, to each and every employee engaged in his, their or its business, or to the duly authorized representative of such employee, the full amount of wages earned and unpaid in lawful money to such employee, up to within twelve days of such payment; *provided, however,* that if at any time of payment, any employee shall be absent from his or her regular place of labor and shall not receive his or her wages through a duly authorized representative, he or she shall be entitled to said payment at any time thereafter upon demand; *provided, further,* that any person, firm, partnership, association or corporation that can reasonably satisfy the Commissioner of

Labor that he, they or it have a paid up cash capital invested in this State of not less than two hundred thousand dollars ($200,000), and that arrangements have been made with a banking institution for the payment in full of any negotiable check issued for the payment of wages may, with the written consent of the Commissioner of Labor, pay any such wages by negotiable check instead of in lawful money; any employer or employers as aforesaid who shall violate any of the provisions of this section shall, for the first offense, be liable to a penalty of fifty dollars ($50.00), and for the second and each subsequent offense to a penalty of one hundred dollars ($100.00), to be recovered by and in the name of the Department of Labor of this State. Every district court, justice of the peace, and police magistrate, is hereby empowered, upon filing of a complaint in writing by any person alleging that a violation of this act has occurred, which complaint may be made upon information and belief, to issue process at the suit of the Department of Labor of New Jersey as plaintiff; such process shall be either in the nature of a summons or warrant, which warrant may issue without any order of the court first being obtained against the person or persons so charged, which process, when in the nature of a warrant, shall be returnable forthwith, and when in the nature of a summons shall be returnable in not less than five or more than fifteen entire days; such process shall state what provision of the law is alleged to have been violated by the defendant or defendants, and on the return of such process or at any time to which the trial shall be adjourned, the said court shall proceed in a summary manner, without a jury, to hear testimony and to determine and give judgment in the matter without the filing of any pleadings for the plaintiff for the recovery of such penalty, with costs or for the defendant, and the said court shall, if judgment be rendered for the plaintiff, cause any such defendant, who may refuse or neglect to forthwith pay the amount of the judgment rendered against him and all the costs and charges incident thereto, to be committed to the county jail for any period not exceeding one hundred days, that the officers to serve and execute all process under this act shall be the officers authorized to serve and execute process in said court; that said district court, justice of the peace, or police magistrate shall have power to adjourn the hearing or trial in any case from time to time, but in such case,

except in cases in which the first process was a summons, it shall be the duty of the judge of the district court, justice of the peace, or police magistrate, to detain the defendant in safe custody, unless he shall enter into bond to the said Department of Labor, with at least one sufficient surety in double the amount of the penalty claimed, conditioned for his appearance on the day to which the hearing shall be adjourned, and thence from day to day until the case is disposed of, and then to abide by the judgment of the said court, and such bond, if forfeited, may be prosecuted by the said board.

The convictions in prosecutions under this act shall be in the following similar form:

State of New Jersey }
} ss.
County of }

Be it remembered that on this day of , at , in said County, C. D., defendant, was by (the district court of , or , justice of the peace, or police magistrate, or as the case may be), convicted of violating the first section of an act entitled: "An act to amend an act entitled 'An act to provide for the payment of wages in lawful money of the United States every two weeks', approved March sixteenth, one thousand eight hundred and ninety-nine," approved April third, nineteen hundred and twenty-eight, in a summary proceeding at the suit of the Department of Labor of New Jersey upon a complaint made by , and further, that the witnesses in said proceeding, who testified for the plaintiff were (named them), and the witnesses who testified for the defendant were (name them).

Wherefore, the said court doth hereby give judgment that the plaintiff recover of the defendant dollars, penalty, and dollars, costs of this proceeding.

The conviction shall be signed by the judge of the district court, justice of the peace or police magistrate before whom the conviction is had. In case the defendant is committed to jail in default of payment of the penalty, a commitment in the follow-

ing form shall be added, beneath the judge's, justice of the peace's, or police magistrate's signature, to the conviction:

"And the said C. D., neglecting and refusing to pay the amount of the penalty above mentioned, with costs, it is hereby ordered that the said C. D. be, and he hereby is committed to the common jail of the county of for the period of days, unless the said penalty and costs are sooner paid."

This commitment shall also be signed by the judge, justice or magistrate, and in case of commitment of any defendant to jail, the conviction and commitment shall be signed in duplicate, and one of the duplicate copies shall serve the purposes of a warrant of commitment.

In case any person shall, after conviction of any violation of this act, be again convicted of another violation of this act or of continuing the violation for which he was previously convicted, he shall be liable to a penalty of one hundred dollars ($100) for each such violation or continuation, to be sued for and recovered in the manner above set forth. In case any defendant against whom judgment has been recovered for a penalty of one hundred dollars ($100) shall fail or neglect to forthwith pay the amount of said penalty, the court shall commit him to jail in the manner above set forth, for any number of days not exceeding two hundred days. Any penalty recovered for any violation of this act shall be paid to the said Department of Labor for the use of the State.

The clerk of any district court or magistrate's court may sign and seal any process required to be issued under this act except a warrant of commitment. The costs recoverable in any such proceeding shall be the same as costs taxed in the district court. Execution may issue for the collection of any judgment and costs, against the goods and chattels and body of the defendant without any order first obtained for such purpose.

It shall be lawful at all times for the court, justice or magistrate to amend all defects and errors in the complaint and process, in order that a determination may be reached as to whether a violation of this act has occurred.

The provisions of this section shall not apply to any employee or employees engaged in agricultural work or as watermen. (As amended by P. L. 1929, ch. 235.)

106. Agreements as to time for payment of wages, except for shorter intervals than two weeks, invalid

(Sec. 2.) It shall not be lawful for any such person, firm, association, partnership or corporation, as aforesaid, to enter into or make any agreement with any employe for the payment of the wages of any such employe otherwise than as provided in section one of this act, except it be to pay such wages at shorter intervals than every two weeks; every agreement made in violation of this act shall be deemed to be null and void, and the penalties provided for in section one hereof may be enforced notwithstanding such agreement; and each and every employe with whom any agreement in violation of this act shall be made by any such person, firm, association, partnership, corporation or the agent or agents thereof, shall have his or her action and right of action against any such person, firm, association, partnership or corporation, for the full amount of his or her wages in any court of competent jurisdiction in this state.

107. Enforcement of act by Commissioner of Labor

(Sec. 3.) The Department of Labor of this State shall be and is hereby authorized and directed to enforce the provisions of this act, and for this purpose the Commissioner of Labor shall designate such of his employees or assistants for that purpose as may be necessary. (As amended by P. L. 1904, ch. 195 and P. L. 1928, ch. 150.)

108. Section 4, Chapter 150, P. L. 1928, repealed

(Sec. 2.) Section four of the act to which this act is an amendment be and the same hereby is repealed. (Sec. 4, ch. 150, P. L. 1928, repealed by P. L. 1929, ch. 235.)

XIX. SCHOOL ATTENDANCE LAWS
COMPULSORY EDUCATION

A SUPPLEMENT to an act entitled "An act to establish a thorough and efficient system of free public schools, and to provide for the maintenance, support and management thereof," approved October nineteenth, one thousand nine hundred and three.

P. L. 1914, ch. 223, approved April 14, 1914,
supplementary to
P. L. 1903, ch. 1, approved October 19, 1903,
as amended by
P. L. 1919, ch. 35, approved April 7, 1919,
P. L. 1926, ch. 17, approved March 15, 1926,
P. L. 1928, ch. 276, approved April 3, 1928.

109. Definition. (a) "Supervisor of school exemption certificates;" (b) "age and schooling certificate;" (c) "age and working certificate;" (d) "employer's certificate."

110. Required schooling; instruction; attendance; proviso; attendance at continuation school; where attend; proviso.

111. Certificate granted on application.

112. Attendance at school.

113. Proof of age; (a) transcript of birth; (b) passport or baptismal record; (c) other evidence may be accepted; (d) if documentary proof unavailable; what application to show; investigation as to age; medical inspection as proof; preference as to evidence of age.

114. Administering oaths; perjury; penalty.

115. All applicants examined by physician.

116. Record of school attendance given; proficiency, proviso.

117. What certificate to set forth.

118. Department of Labor notified; action on certificate improperly issued.

119. Record of certificates kept.

120. Employer's certificate issued; attendance at continuation school; if child resides and works in different districts; surrender of certificates; if child's residence is unknown; disposition of certificates; action when child changes employment; penalty; notification on cancelling certificate.

121. Employment of school children outside school hours; certificate issued to light work; penalty; proviso.

122. Truancy; procedure against.

123. Failure to comply deemed disorderly conduct; rule to appear before court; penalty; inquiry by court; on failure to appear warrant to issue.

124. Compulsory attendance at school; enforcement of act.

125. School attendance officers.

126. Return of truants to parents or school; truant officers to investigate violations; parents, etc., notified; power of arrest; delinquents produced at court.
127. As to fees.
128. Schedule of fees; by whom paid; salaried persons not entitled to fees.

109. Definition. (a) "Supervisor of school exemption certificates;" (b) "age and schooling certificate;" (c) "age and working certificate;" (d) "employer's certificate."

(Sec. 1.) Definition.

(a) "Supervisor of school exemption certificates," as used in this act, shall mean any superintendent of schools, supervising principal, principal or teacher of any school district who shall be designated by the board of education in that district to carry out the provisions of this act.

(b) "Age and schooling certificate," as used in this act, shall mean a certificate granted by the supervisor of school exemption certificates, and such certificate, when granted, pursuant to this act, shall authorize the holder thereof to cease attending school when employed in some occupation lawful for children under sixteen years of age.

(c) "Age and working certificate," as used in this act, shall mean a certificate granted by the supervisor of school exemption certificates, pursuant to section thirteen of this act, which certificate, when granted, shall not exempt the child from attendance at school, but shall allow such child to secure certain employment in the open air, which employment shall be lawful for children under fourteen years of age.

(d) "Employer's certificate," as used in this act, shall mean a certificate setting forth the fact that a child has secured employment, as provided in section twelve of this act.

110. Required schooling; instruction; attendance; proviso; attendance at continuation school; where attend; proviso

(Sec. 2.) Every parent, guardian, or other person having custody and control of a child between the ages of seven and sixteen years, shall cause such child regularly to attend a day school in which at least reading, writing, spelling, English grammar, arithmetic and geography are taught in the English language by a competent teacher, or to receive equivalent instruction elsewhere than at school, unless such child is above the age of four-

teen years, has been granted an age and schooling certificate, and is regularly and lawfully employed in some useful occupation, or service; and such regular attendance shall be during all the days and hours that the public schools are in session in said school district, unless it shall be shown to the satisfaction of the board of education of said school district that the mental or bodily condition of the child is such as to prevent his or her attendance at school; *provided,* that on and after July first, one thousand nine hundred and twenty, every parent, guardian, or other person having custody and control of a child between the ages of fourteen and sixteen years, to whom an age and schooling certificate has been granted and who is temporarily unemployed, shall cause such child regularly to attend a continuation school for at least twenty hours each week.

On and after July first, one thousand nine hundred and twenty, every parent, guardian, or other person having custody and control of a child between the ages of fourteen and sixteen years, to whom an age and schooling certificate has been granted and who is regularly and lawfully employed, shall cause such child to attend a continuation school for a period of at least six hours during each week for at least thirty-six weeks in each year. Such attendance shall be in the school district or the county in which said child is employed and shall be during the hours when said continuation school in such district or county is in session; *provided,* that for reasons satisfactory to the State Board of Education, the Commissioner of Education may permit or require such child to attend a continuation school in the school district or the county in which he or she resides. (As amended by P. L. 1919, ch. 35.)

111. Certificates granted on application

(Sec. 3.) Age and schooling certificates and age and working certificates may be granted by the supervisor of school exemption certificates in the school district in which the child resides, on the application in person of the parent, guardian or custodian of the child for whom such certificate is desired.

112. Attendance at school

(Sec. 4.) Every child under the age of sixteen years who is not regularly and lawfully employed in any useful occupation or service, shall not be exempt from attendance at school.

113. Proof of age; (a) transcript of birth; (b) passport or baptismal record; (c) other evidence may be accepted; (d) if documentary proof unavailable; what application to show; investigation as to age; medical inspection as proof; preference as to evidence of age.

(SEC. 5.) For the purpose of this act, evidence that the child is at least fourteen years of age shall consist of one of the following proofs of age, and shall be required in the order herein designated, as follows:

(a) A duly attested transcript of the birth certificate filed according to law with a registrar of vital statistics or other officer charged wih the duty of recording births, which certificate shall be prima facie evidence of the age of such child.

(b) A passport, or a duly attested transcript of a certificate of baptism showing the date of birth, and place of baptism of the child.

(c) In case the proofs required by paragraphs (a) or (b) cannot be produced, such other documentary evidence of age as shall be satisfactory to the officer issuing the certificate (except the school record of the child or the affidavit of the parent, guardian, or other person having control of such child) may be accepted, duly attested, as proof of age, in the discretion of the officer issuing the certificate.

(d) In case no documentary proof of age can be produced the officer authorized to issue the certificate may receive and file an application for a physician's certificate signed by the parent, guardian or other person having control of the child for whom the application is made. Such application shall contain the name, alleged age, place and date of birth, and present residence of the child, together with such further facts as may be of assistance in determining the age of such child, and shall also contain a statement certifying that the person signing such application is unable to produce any of the documentary evidence specified in paragraphs (a), (b) or (c). Within sixty days after the date of the filing of such application a careful investigation shall be made as to the truth of the facts set forth in said application, and if no facts shall appear tending to discredit or contradict any material statement in the application, the officer authorized to issue the certificate may direct the child to appear, at a time and place to be designated by him, for physical examination without removal of clothing by a medical inspector employed by the board

of education of the school district in which said child resides. In case said medical inspector shall certify in writing that he has examined said child, and that, in his opinion, such child is at least fourteen years of age, such officer shall, for the purpose of this act, accept the certificate of said medical inspector, as sufficient proof of the age of said child. The officer issuing the certificate shall require the evidence of age specified in paragraph (a) in preference to that specified in any subsequent paragraph, and shall not accept the evidence of age specified by any paragraph other than paragraph (a) unless there shall be filed in his office, in addition thereto, an affidavit of the parent, guardian or other person having control of the child, showing that no evidence of age specified in any paragraph preceding that specified in the affidavit can be produced. Said affidavit shall also contain the age, date and place of birth, when and where baptized and present residence of the child.

114. Administering oaths; perjury; penalty

(Sec. 6.) All oaths, affirmations and affidavits required to be made or taken in any proceeding had pursuant to this act in an application for an age and schooling certificate or age and working certificate shall be taken by the supervisor of school exemption certificates, and the said supervisor of school exemption certificates is hereby granted the power to administer oaths and take affidavits and affirmation in all such proceedings held pursuant to this act. Any person who shall swear or affirm falsely at any hearing or any proceeding taken pursuant to this act to an application for an age and schooling certificate or age and working certificate, or shall sign and swear or affirm to any affidavit containing a false statement to be used in any such proceeding, shall be guilty of committing perjury and, upon conviction thereof, shall be fined not exceeding one thousand dollars or imprisoned with or without hard labor as the court may direct for any time not to exceed three years, or both.

115. All applicants examined by physician

(Sec. 7.) Before granting any age and schooling certificate or age and working certificate the child shall appear before a medical inspector employed by the board of education who shall

examine said child and file with the supervisor of school exemption certificates a certificate signed by said medical inspector describing the physical condition of said child and certifying as to whether such child has the normal development of a child of its age and is of sufficiently sound health and physically able to be employed in any of the occupations in which a child between fourteen and sixteen years of age may legally be employed.

116. Record of school attendance given; proficiency; proviso

(Sec. 8.) No age and schooling certificate shall be issued until there shall have been filed with the officer authorized to issue the same, satisfactory proof that the child for whom such certificate is requested has regularly attended a public school, or has received instruction equivalent to that provided in the public schools, for a period of not less than one hundred and thirty days during the twelve months next preceding the date of the application for such certificate, is able to read intelligently and write legibly simple sentences in the English language; has completed a course of study equivalent to five yearly grades, after the first of September, one thousand nine hundred and twenty-nine, equivalent to six yearly grades in reading, writing, spelling, English language and geography, is familiar with the fundamental operations of arithmetic, up to and including simple fractions or has completed a program in a prevocational or vocational school equivalent to one year beyond the fifth grade approved by the Commissioner of Education; *and provided,* that such child is able to perform the work in which he or she may be lawfully employed. (As amended by P. L. 1928, ch. 276.)

117. What certificate to set forth

(Sec. 9.) Satisfactory proof on behalf of a child applying for an age and schooling certificate pursuant to the provisions of this act having been produced as to the age, physical condition and schooling of said child, it shall be lawful for the supervisor of school exemption certificates to issue in accordance with section three of this act an age and schooling certificate to said child, dated on the day it is issued and signed by the person issuing the same, which certificate shall state the color, name, sex, date and place of birth, residence, color of hair and eyes, height, weight,

and any distinguishing facial marks of the child, and shall contain a statement that the proofs of age, education and physical condition required by this act have been filed with the officer issuing the certificate, and that the child named in the certificate has personally appeared before the medical inspector and been examined. Every such certificate shall be signed in the presence of the supervisor of school exemption certificates by the child in whose name it is issued or other person having custody and control of such child.

118. Department of Labor notified; action on certificate improperly issued

(Sec. 10.) Every supervisor of school exemption certificates issuing an age and schooling certificate or an age and working certificate shall send immediately to the Department of Labor at Trenton the original papers upon which said certificate was granted. Said department shall examine said papers and promptly return them to the supervisor of school exemption certificates, who shall file them in his office. Whenever there is reason to believe that an age and schooling certificate or an age and working certificate was improperly issued the Commissioner of Labor shall notify the Commissioner of Education and the board of education of the school district in which said certificate was issued. The board of education of said district may cancel any age and schooling certificate or any age and working certificate issued by it and shall cancel the same when directed so to do by the Commissioner of Education.

119. Record of certificates kept.

(Sec. 11). The supervisor of school exemption certificates shall keep a record of every such certificate issued by him giving all the facts contained in such certificate, and also a record of the name and address of every child to whom a certificate has been refused, together with the name or number of the school which such child should attend, and the reason for refusal.

120. Employer's certificate issued; attendance at continuation school; if child resides and works in different districts; surrender of certificates; if child's residence is unknown; disposition of certificate; action when child changes employment; penalty; notification on cancelling certificate.

(SEC. 12.) The supervisor of school exemption certificates shall give to each child to whom an age and schooling certificate is issued a blank form of "employer's certificate," which shall be filled in by the person employing said child, setting forth the nature of the work the child is to do, the date the child starts work, also the salary a week to be paid the child, and an agreement to permit such child to attend a continuation school as provided in the laws of this State for a period of at least six hours during each week for a period of at least thirty-six weeks during each year, such six hours to be during the hours in which the said continuation school is in session, which form, correctly filled out, shall within two days be surrendered or returned by the person, firm or corporation employing said child. to the supervisor of school exemption certificates of the district in which the child resides. If said child is employed in a school district other than that in which he or she lives the supervisor of school exemption certificates of the district in which such child lives, upon receipt of said "employer's certificate," shall immediately send a duplicate of such certificate properly filled out and the address of said employer, together with a duplicate of the age and schooling certificate issued to such child, to the superintendent of schools of the county in which such child is employed, and said superintendent of schools shall forthwith forward said certificates to the board of education having jurisdiction over the continuation school which such child is legally required to attend. The child, upon securing employment, shall surrender the age and schooling certificate to his employer who shall retain said certificate during the time said child is in his employ; said employer shall, within two days after the child is discharged or ceases to work for him, surrender or return the age and schooling certificate to the supervisor of school exemption certificates of the school district in which said child resides, who shall file the same in his office and keep said certificate until such time as the child shall again secure employment. If, however, said employer does not know or cannot find the location of said child's residence, he shall surrender or deliver the age and schooling certificate to the supervisor of school exemption certificates for the district in which the business of the employer was located, and said supervisor of school exemption certificates shall make inquiry and search for said child, and if he cannot find where said

child resides, he shall return the certificate to the supervisor of school exemption certificates who issued the same.

Whenever a child shall find other employment it shall apply to the supervisor of school exemption certificates of the school district in which said child lives for the return of the age and schooling certificate, together with a blank form of employer's certificate, and the employer shall retain and file in his office said age and schooling certificate, and fill in and return the employer's certificate as provided above. If said child is employed in a school district other than that in which he or she lives, on receipt of the "employer's certificate," the supervisor of school exemption certificates of the school district in which said child lives shall immediately forward to the county superintendent of schools of the county in which the child is employed a duplicate of such certificate properly filled out and the address of said employer, together with a duplicate of the age and schooling certificate issued to such child, and said county superintendent of schools shall forward such certificate as provided above.

Any person, the members of any firm or the officers or agents of any corporation failing to comply with the provisions of this section of this act shall be deemed and adjudged to be a disorderly person or persons, and upon conviction thereof shall be fined not to exceed twenty-five dollars, or imprisoned in jail not to exceed thirty days, or both.

Whenever any age and schooling certificate or any age and working certificate shall have been cancelled as provided in section ten of this act, the board of education cancelling said certificate shall immediately notify the Commissioner of Education, the Commissioner of Labor and the person or corporation by whom the child is employed of its action, and said person or corporation shall immediately upon receiving said notice forward said certificate to the Commissioner of Education. (As amended by P. L. 1919, ch. 35.)

121. Employment of school children outside school hours; certificates issued to do light work; penalty; proviso.

(Sec. 13.) Whenever a child between the age of ten and sixteen years desires to work in order to assist in supporting itself or the family, it shall be lawful for the parent, guardian or other person having the custody and control of said child between the

ages of ten and sixteen years to file a petition with the supervisor of school exemption certificates of the school district in which the child resides, which petition shall set forth the fact that said child desires to secure employment in order to help support itself or family, together with evidence which shall comply with the provisions of this act as to the age of said child and the character of the work the child is to perform, which work shall only include selling newspapers, blacking shoes, running errands, and other light employments, not otherwise prohibited by law for children under sixteen. If upon investigation it shall be found that the facts set forth in the petition are true and that the work will not interfere with the child's standing in school, or with the child's health, it shall be lawful for the supervisor of school exemption certificates to grant to said child an age and working certificate, to work at such times as the public schools in the district shall not be in session, but not before six o'clock in the morning nor after seven o'clock at night. Any person, the members of any firm or the officers or agents of any corporation employing, permitting, or allowing a child to work, contrary to the provisions of this section, shall be deemed and adjudged to be a disorderly person or persons, and upon conviction thereof, shall be fined fifty dollars, or imprisoned not to exceed one year or both; *provided,* that nothing contained in this section shall apply to any child employed in agricultural pursuits.

122. Truancy; procedure against

(Sec. 14.) Every child between the ages of seven and fourteen years, and every child between the ages of fourten and sixteen years who is not lawfully employed in some useful occupation or service, who shall repeatedly be absent from school, or any child found away from school during school hours whose parent, guardian or other persons having charge and control of such child is unable to cause him to attend school, or any pupil who shall be incorrigible, actually vagrant, vicious or immoral in conduct, shall be deemed to be a juvenile disorderly person or a juvenile delinquent, and shall be proceeded against as such.

123. Failure to comply deemed disorderly conduct; rule to appear before court; penalty; inquiry by court; on failure to appear warrant to issue

(Sec. 15.) Any parent, guardian or other person having charge and control of any child between the ages of seven and sixteen years, who shall fail to comply with any of the provisions of this article and amendments thereof relating to his or her duties shall be deemed to be a disorderly person. Upon the filing of a sworn complaint with the Court of Common Pleas of the county or the Juvenile Court in any county where a Juvenile Court has been established, or with a police justice, or city, town, borough, or township recorder of the municipality in which such school district shall be situate, a rule shall be issued by said court, police justice or recorder and served by the sheriff or any constable requiring said disorderly person to appear before the court, police justice or recorder issuing said order, together with any child or children under the charge and control of the person upon whom said order is served, who have not been in regular attendance at school as required by this article, at the place and time and on the date specified in said rule, to show cause why said disorderly person should not be punished by a fine not exceeding five dollars for the first offense and not exceeding twenty-five dollars for each subsequent offense, in the discretion of the court, police justice or recorder. Upon the return of said rule and the appearance of said disorderly person, together with said child, said court, police justice or recorder shall inquire into the facts and make such disposition of the case as the law requires. If said disorderly person and said child shall fail to appear in response to said rule, a warrant shall be issued by said court, police justice or recorder to said sheriff or constable, commanding him to bring said disorderly person and said child forthwith before said court, police justice or recorder, for such disposition as said court, police justice or recorder may make in said case. (As amended by P. L. 1926, ch. 17.)

124. Compulsory attendance at school; enforcement of act

(Sec. 16.) It shall be the duty of the parent, guardian or other person having custody and control of any child to whom an age and schooling certificate has been issued to see that the child is either continuously employed or regularly attends school,

and to see that when such child is employed that he or she regularly attends a continuation school, and it shall be the duty of the supervisor of school exemption certificates of the district in which the child resides to take the proper proceedings, as provided in sections fourteen and fifteen, and amendments thereof, of this act, to enforce the attendance at school of any child who fails to secure employment, and also to secure and retain the age and schooling certificate for such child until such time as it shall secure lawful employment. (As amended by P. L. 1919, ch. 35.)

125. School attendance officers

(Sec. 17.) For the purpose of enforcing the provisions of this article the board of education of each school district and the board of education of the county vocational school shall appoint a suitable number of qualified persons to be designated as attendance officers, and shall fix their compensation. Said board shall make rules and regulations not inconsistent with the provisions of this article for the government of said attendance officers, which rules and regulations must be approved by the Commissioner of Education. (As amended by P. L. 1919, ch. 35.)

126. Return of truants to parents or school; truant officers to investigate violations; parents, etc., notified; power of arrest; delinquents produced at court.

(Sec. 18.) Every attendance officer who shall find any child between seven and fourteen years of age (or any child between fourteen and sixteen years of age, who is not lawfully employed in some useful occupation or service) away from home during school hours, who shall then be a truant from school, shall take such child and deliver him to the parent, guardian or other person having charge and control of such child, or to the teacher of the school which such child is lawfully required to attend. The attendance officer shall examine into all violations of the provisions of this article, and shall warn any child violating any of the provisions of this article and also the parent, guardian or other person having charge and control of said child of the consequences of said violation if persisted in, and shall notify, in writing, such parent, guardian or other person to cause said child to attend school within five days from the date on which notice was served and regularly to attend thereafter, or every attend-

ance officer shall have full police power to enforce the provisions of this act and shall have the power to arrest without warrant any vagrant child or habitual truant or any child who is habitually incorrigible or who is vicious or immoral in conduct or illegally absent from school. The sheriff and his officers and all police officers and constables shall assist all such attendance officers in the performance of their duties, and any keeper of a prison or jail or school or house of detention for juvenile offenders shall receive all juvenile delinquents or juvenile disorderly persons who shall be arrested by the attendance officers, and shall produce them at the next session of court to abide by the action of the court.

127. As to fees

(Sec. 19.) No fees or expenses incurred in obtaining an age and schooling certificate or an age and working certificate shall be charged to or paid by any parent, guardian or other person having custody or control of any child for any services or proceedings had under this act.

128. Schedule of fees; by whom paid; salaried persons not entitled to fees

(Sec. 20.) The following fees shall be allowed for services under the provisions of this act, which shall be in full of all other fees and charges whatsoever:

To officer for serving process,.....	
Serving warrant, ...	$0.75
And mileage at the rate of four cents per mile.	
Serving every subpoena or order,.....	0.25
Serving commitment, ...	0.50

which fees shall be paid by the county collector or city, town or borough treasurer, as the case may be, and all fines collected shall be paid to said collector or treasurer for the use of said county, city, town or borough.

No person who is paid a stated salary shall be entitled to or be paid any of the fees specified in this section.

Certificate of Date of Birth

AN ACT to prevent the unlawful employment of children and to facilitate the lawful employment thereof.

P. L. 1923, ch. 88, approved March 17, 1923.

129. Application for exemption for certificates.
130. Proof requirements: (a) age and school certificate and age and working certificate; (b) transcripts of birth certificate; (c) baptismal certificate; (d) documentary evidence accepted; (e) in case of no documentary proof; application investigated; medical examination of applicant.
131. Supervisor to administer oath, etc.; penalty for false statement.
132. Supervisor to issue certificate, when; certificate signed by child.
133. Delivery of certificates; Commissioner of Labor may cancel certificates; when.
134. How to procure duplicate certificates.
135. Employer may require certificates or copy.
136. Certificate received as evidence.
137. When Commissioner of Labor may destroy certificates.

129. Application for exemption for certificates

(SEC. 1.) Any child over the age of sixteen years and under the age of twenty-one years may apply in person to the supervisor of school exemptions certificates of the school district in which said child resides or, if such child be a non-resident of this State, to the supervisor of school exemption certificates of the school district in which such child states that he intends to seek employment, for the issuance to him of a certificate of date of birth.

130. Proof requirements: (a) age and school certificate and age and working certificate; (b) transcripts of birth certificates; (c) baptismal certificate; (d) documentary evidence accepted; (e) in case of no documentary proof; application investigated; medical examination of applicant

(SEC. 2.) For the purpose of this act, evidence that the child is at least sixteen years of age shall consist of one of the following proofs of age, and shall be required in the order herein designated as follows:

(a) An age and school certificate, or an age and working certificate remaining unrevoked and from which it appears to the supervisor of school exemption certificates that the child producing the same was born at least sixteen years prior to the date of applying for such certificate of date of birth.

(b) A duly attested transcript of the birth certificate filed according to law with a registrar of vital statistics, or other officer charged with the duty of recording births, which certificate shall be prima facie evidence of the age of such child.

(c) A passport or a duly attested transcript of a certificate of baptism showing the date of birth and place of baptism of the child.

(d) In case the proof required by paragraphs (a), (b) or (c) cannot be produced, such other documentary evidence of age as shall be satisfactory to the officer issuing such certificate of date of birth (except the school record of the child or the affidavit of the parent, guardian or other person having control of such child) may be accepted, duly attested, as proof of age, in the discretion of the officer issuing the certificate of date of birth.

(e) In case no documentary proof of age can be produced the officer authorized to issue the certificate of date of birth may receive and file an application for a position certificate signed by the child. Such application shall contain the name, alleged age, place and date of birth and present residence of the child, together with such further facts as may be of assistance in determining the age of such child, and shall also contain a statement certifying that the person signing such application is unable to produce any of the documentary evidence specified in paragraphs (a), (b), (c) or (d). Within sixty days after the date of the filing of such application a careful investigation shall be made as to the truth of the facts set forth in said application, and if no facts shall appear tending to discredit or contradict any material statement in the application, the officer authorized to issue the certificate may direct the child to appear, at a time and place to be designated by him, for physical examination without removal of clothing by a medical inspector employed by the board of education of the school district in which the application for such certificate of date of birth is made. In case said medical inspector shall certify in writing that he has examined such child and that in his opinion such child is at least sixteen years of age, such officer shall for the purpose of this act accept the certificate of said medical inspector as sufficient proof of the age of said child. The officer issuing the certificate of date of birth shall require the evidence of age specified in paragraph (a) in preference of that specified in any other subsequent paragraph, and

shall not accept the evidence of age specified by any paragraph other than paragraph (a) unless there shall be filed in his office in addition thereto an affidavit of the child showing that no evidence of age specified in any paragraph preceding that specified in the affidavit can be produced. Said affidavit shall also contain the age, date and place of birth, when and where baptised and present residence of the child.

131. Supervisor to administer oath, etc.; penalty for false statement

(Sec. 3.) All oaths, affirmations and affidavits required to be made or taken in any proceeding had pursuant to this act in an application for a certificate of date of birth shall be taken by the supervisor of school exemption certificates and the said supervisor of school exemption certificates is hereby granted the power to administer oaths and take affidavits and affirmations in any of such proceedings held in pursuance of this act. Any person who shall swear or affirm falsely at any hearing or any proceeding taken pursuant to this act to an application for a certificate of date of birth or shall swear or affirm to any affidavit containing a false statement to be used in such proceeding shall be guilty of committing perjury, and upon conviction thereof shall be fined not exceeding one thousand dollars or imprisoned with or without hard labor as the court may direct for any time not exceeding three years or both.

132. Supervisor to issue certificate, when; certificate signed by child

(Sec. 4.) Satisfactory proof on behalf of a child applying for a certificate of date of birth pursuant to the provisions of this act having been produced as to the fact that such child is at least sixteen years of age, it shall be lawful for the supervisor of school exemption certificates to issue to such child a certificate of date of birth, dated on the day it is issued and signed by the person issuing the same which certificate shall state the color, name, sex, date and place of birth, residence, color of hair, and eyes, height and any distinguishing facial marks of the child, and shall contain a statement that the proofs of age required by this act have been produced to the officer issuing the certificate. Every such certificate and the duplicate thereof shall be signed in person by the child in the presence of the supervisor of school exemption certificates in whose name it is issued.

133. Delivery of certificates; Commissioner of Labor may cancel certificates; when

(SEC. 5.) Every supervisor of school exemption certificates issuing a certificate of date of birth shall deliver one of the duplicates signed by such child to such child and shall send immediately to the Department of Labor, at Trenton, the other of said duplicate certificates of date of birth also signed by said child and the original papers upon which said certificate was granted. Said department shall examine said papers and file the same among its records. Whenever there is reason to believe that a certificate of date of birth was improperly issued the Commissioner of Labor shall notify the child to whom said certificate has been issued to appear before him and show cause why said certificate should not be cancelled, and if said child shall not appear or having appeared shall not show sufficient cause, said Commissioner of Labor may, if in his judgment said certificate of date of birth was improperly issued, cancel and annul the same.

134. How to procure duplicate certificates

(SEC. 6.) Any child to whom a certificate of date of birth shall have been issued may make written application signed by such child to the Commissioner of Labor for the issuance to such child of a copy of such certificate of date of birth. Such application shall state what has become of the original and any subsequent copies of the applicant's certificate of date of birth. If the commissioner shall be satisfied by comparison of the signature on such application with the signature on the original certificate on file with him that the application is signed by the child who is named in and who signed the original certificate and that the duplicate original issued to such child and any copies thereof theretofore issued by the commissioner have been destroyed or filed with any employer or employers of such child, he shall furnish to such child a photographic or photostatic copy of such original certificate.

135. Employer may require certificate or copy

(SEC. 7.) Any person within the State of New Jersey to whom such child shall apply for employment may before employing him require such child to produce an original or photo-

static or photographic copy of his certificate of date of birth and also require such child to sign his name for comparison with the signature appearing on such original or copy. If in the judgment of such employer or his agent the signature made by the child and the characteristics of the child correspond with the signature and characteristics set forth in the certificate of date of birth then such employer upon employing such child may demand and receive from such child the original or photographic or photostatic copy of such certificate of date of birth and retain the same permanently as a part of the records of such employer.

136. Certificates received as evidence

(Sec. 8.) Such certificate or copy thereof shall be received as conclusive evidence of the date of birth of the person named therein by all courts and tribunals in any prosecution, suit, action or proceeding by or against such employer in which such date of birth may be a material fact. Such certificate or copy thereof shall be conclusive proof before any such court or tribunal in any such prosecution, suit, action or proceeding of the date of birth of the person who presented such certificate to such employer, provided such court or tribunal shall determine that there was no such discrepancy between the characteristics and signature of the person presenting the same to the employer and the characteristics and signature set forth in said certificate as to make it obvious to a reasonably prudent person that the person presenting such certificate to such employer was not the person named in such certificate.

137. When Commissioner of Labor may destroy certificates

(Sec. 9.) The Commissioner of Labor shall be under no duty to issue a copy of any certificate at a time when the date of birth shown therein is more than twenty-one years before the date of application for the issuance of such copy and the Commissioner of Labor may from time to time destroy all certificates and the records and proceedings on which such certificates were issued, when the date of birth set forth in such certificate is more than twenty-one years before the date of such destruction.

XX. REFERENCES

Laws regulating conditions of employment which apply inclusively to women and children, although they are not specifically mentioned therein:

Chapter 142, Laws 1895	**Discharge of Employees.**
Chapter 273, Laws 1911	**Meal Hours.**
Chapter 162, Laws 1914	**Lead Poisoning Law.**
Chapter 47, Laws 1915	**Providing Free Labor Bureaus.**
Chapter 227, Laws 1918	**Relating to Private Employment Agencies.**
Chapter 235, Laws 1918	**Creating Migrant Welfare and Employment Bureau.**
Chapter 74, Laws 1919	**Rehabilitation of Physically Handicapped Persons. (Work carried on by Rehabilitation Commission, Department of Labor actively co-operating.)**
Chapter 38, Laws 1899 as amended by Chapter 195, Laws 1904	**Payment of Wages.**
Chapter 187, Laws 1924 Chapter 150, Laws 1928 Chapter 235, Laws 1929	**Reporting of Industrial Accidents.**

Laws regulating conditions of employment, applying to both sexes, in which women and children are specifically mentioned:

Chapter 64, Laws 1904	**Sec. 23. In factories, mills, and workshops: sufficient and separate toilet facilities; dressing room for women and girls when ordered by Commissioner.**
Chapter 64, Laws 1904	**Sec. 24. Factories and workshops where women and children are employed shall be limewashed or painted at least once in every twelve months.**
Chapter 136, Laws 1911	**Mercantile establishments: sufficient, suitable, convenient, and separate water closets for each sex; those used by women to have separate approaches; dressing room to be provided when ordered by Commissioner.**
Chapter 95, Laws 1911	**Workmen's Compensation Act, with amendments in 1913, 1919, 1921, 1922, 1923, 1924, 1925, 1926, 1928, 1929.**

Other laws applying to structural regulation, fire protection, and sanitation also conduce to the welfare of employed women and children as well as male operatives. The text of these laws as well as those above tabulated is contained in the Department pamphlet, "Labor Laws" administered by the State of New Jersey, copy of which may be had by application to the State Department of Labor.

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